

# City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)



## Council Agenda

Wednesday, June 11, 2014

1:00 PM

Council Chambers, 8th Floor, City Hall

## City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris  
Snead, Christopher G. Stuart, Donnie R. Tuck,  
George E. Wallace, Mayor*

### *Staff:*

*Mary Bunting, City Manager*

*Vanessa T. Valdejuli, City Attorney*

*Katherine K. Glass, CMC, Clerk of Council*

Last Published: 6/6/2014 5:29:03 PM

## CALL TO ORDER

## AGENDA

1. **14-0268** Introduction of the Newest Member of the Hampton Police Division, K-9 Ranger, the New Bloodhound.
2. **14-0264** Briefing on Hurricane Preparedness
3. **14-0272** Economic Development - Why We Invest

## REGIONAL ISSUES

## NEW BUSINESS

## CLOSED MEETING

4. **14-0236** Closed session pursuant to Virginia Code Section 2.2-3711.A.1 and .7 to discuss the evaluation of the City Manager, the City Attorney and the Clerk of Council; to discuss appointments as listed on the published agenda; and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.
- 14-0240** to consider appointments to the Grievance Board
- 14-0241** to consider appointments to the 1619 Commission
- 14-0243** to consider appointment to the Athletic Hall of Fame of the Lower Virginia Peninsula
- 14-0244** to consider appointment to the Hampton Clean City Commission
- 14-0261** to consider an appointment to the Board of Review of Real Estate Assessments
- 14-0273** to consider an appointment to the Hampton Roads Regional Jail Authority
- 14-0274** to consider an appointment to the Hampton Redevelopment and Housing Authority (HRHA)

**CERTIFICATION**

5. **14-0237** Resolution Certifying Closed Session.

**Contact Info:**

**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**



City of Hampton, VA

Agenda Review

File Number: 14-0268

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0268

Request Number: R-2014-00295

File Type: **Briefing / Presentation /  
Hearing**

Department: **Police**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Cheryl Steele**

Phone:

Requestor: **Chief Terry Sult**

Phone: **727-6510**

Presenter: **MPO Daniel Mackey, K-9 Officer**

Phone: **727-6510**

Title: **Introduction of the Newest Member of the Hampton Police Division, K-9 Ranger, the New Bloodhound.**

Action Requested: **None**

Estimated Time: **15-20 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date  
6/4/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Hampton Police Division currently has two operational Bloodhound teams, MPO Tom Hendrickson with K-9 "Diesel" and MPO. Dan Mackey with K-9 "Murphy". K-9 "Murphy" is currently 9- years-old and over the last year has incurred several medical issues that come with age.

Plans are underway to retire K-9 "Murphy" at the end of 2014 and replace him with "Ranger". The Division has been very fortunate over the years to have our Bloodhounds donated to the Division, with the last two donated by Tammy Bybee. She started this donation process with "Diesel" five years ago.

Purebred canines like Ranger can vary in price between \$500 - \$1,500 depending on the dog's bloodlines. Officer Tammy Bybee is the breeder and a police officer with the Duck, North Carolina Police



Department. For the last several years, HPD's bloodhounds have been donated to us by Officer Bybee. Once we receive these dogs, HPD trains each one in-house. The savings produced by receiving the donated dog and costs associated with training the canine is an enormous savings to the City and taxpayers.

Having acquired Ranger prior to Murphy's retirement, provides ample time to train him as a serviceable bloodhound. Chief Sult provides this opportunity to introduce Ranger and his handler, MPO Daniel Mackey to members of City Council, the City Manager and the City Attorney.



City of Hampton, VA

Agenda Review

File Number: 14-0264

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: 14-0264

Request Number: R-2014-00280

File Type: **Briefing / Presentation /  
Hearing**

Department: **City Manager**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Annette Oakley**

Phone:

Requestor: **Jimmy Gray**

Phone: **727-6884**

Presenter: **Hui-Shan Walker, Emergency  
Management Coordinator**

Phone: **727-6067**

Title: **Briefing on Hurricane Preparedness**

Action Requested: **No Action Required**

Estimated Time: **20 Minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Presentation

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Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

Hurricane season runs from June 1st to November 30th each year. Emergency Management will provide an overview of preparedness activities for the current hurricane season. Our newly renovated Emergency Operation Center (EOC) provides for better information sharing and collaboration for response activities among city departments and our community partner agencies. Furthermore, the ongoing planning efforts and the resources that the city has in place to respond and recover will also be discussed.

# Emergency Management Briefing



Hampton City Council

June 11, 2014

Hurricane Preparedness



## Purpose

To brief Council on the activities and initiatives underway to prepare Hampton's citizens, business community and city departments for the current hurricane season.



6/11/2014

Emergency Management

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# Agenda

Citizen Preparedness and Response  
Outreach

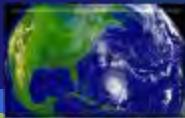
Business Community Partnerships and  
Disaster Recovery Efforts

City Department Preparedness,  
Continuity of Operations and  
Recovery Planning

6/11/2014

Emergency Management

Slide 3



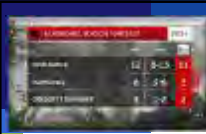
## 2014 Hurricane Season

- ✦ Officially June 1 to November 30
- ✦ Predictions are for a lower than average number of named storms
- ✦ It only takes **1** to cause severe damage
  - ✦ 1992 was a below average year
  - ✦ Hurricane Andrew struck Florida in 1992 causing 44 fatalities and 25 billion dollars in damages

6/11/2014

Emergency Management

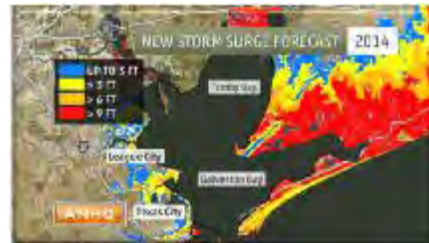
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## 2014 Hurricane Season

### Expect changes in storm forecasts:

- Forecast emphasis shifts from wind speed to storm surge
- New tools improve storm surge predictions



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Emergency Management

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## Public Education, Participation and Outreach Efforts

### Outreach

- 2 Preparedness Days- 80 Attendees
- 13 other outreach events - festivals, presentations, sporting events, Safe and Clean coordination
- Estimated 20,424 people reached



6/11/2014

Emergency Management

Slide 6



## Community Emergency Response Team - CERT

- ✦ 3 CERT Basic Courses – 40 graduates
- ✦ 5 Advanced Training Courses – 123 attendees
- ✦ Hosted CERT Train-the-Trainer course
- ✦ Participated in regional CERT full-scale exercise
- ✦ Partnering with Thomas Nelson Community College and regional localities for additional classes and exercises



6/11/2014

Emergency Management

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## Community Animal Response Team - CART

- ✦ Participated in AKC dog show at Hampton Convention Center Memorial Weekend
- ✦ Hampton CART trailer on display
- ✦ Provided outreach to approximately 100 people



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Emergency Management

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## Weather Radios



- ✦ Hazard Mitigation Grant Program
  - ✦ Purchased Weather Radios
  - ✦ Distribution forthcoming to mobile home communities, nursing homes, daycare and assisted living facilities

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Emergency Management

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## Business Partners

- ✦ Cox Business Executive Discussion, "Damage Control", focusing on business continuity – June 17<sup>th</sup> at Crowne Plaza
- ✦ Outreach to Nursing Homes and Assisted Living Facilities
  - ✦ [www.hoeeps.org](http://www.hoeeps.org)
  - ✦ Healthcare Organization Emergency Preparedness Seminars (HOEPS) Tabletop Exercise



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Emergency Management

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## Emergency Operations Center Renovation

- ✦ The Office of Emergency Management secured over \$250,000 in grant funding to renovate the EOC:

- ✦ Technological upgrades
- ✦ Increase in seating capacity



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Emergency Management

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## Emergency Operations Center Renovation

- ✦ Incident Command System structure
- ✦ Collaborative environment



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Emergency Management

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## Planning

- ✦ Emergency Operations Plan (EOP) undergoing required update
  - ✦ Will come before Council for adoption in the Fall
- ✦ Work underway on Business Continuity Plan (BCP)
- ✦ Utilizing grant funding to create a long-term recovery plan as an annex to the EOP

6/11/2014

Emergency Management

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## Mitigating Against Future Disasters

- ✦ Coordinating with several citizens wishing to take advantage of the Hazard Mitigation Loan Program
- ✦ Managing 3 awarded federal grant projects for over \$2.5 million to elevate 15 homes
- ✦ Coordinating 3 additional grant applications for additional \$4 million to elevate 20 more

6/11/2014

Emergency Management

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## City Preparedness, Response and Recovery Initiatives

- Coordinating with department directors to ensure that they are preparing their departments
- Annual hurricane preparedness training for department heads
- Attendance at National Hurricane Conference

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Emergency Management

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## City Preparedness, Response and Recovery Initiatives

- Focus on Emergency Sheltering:
  - Executed Memorandum of Understandings with Newport News and James City County for use of schools within their jurisdictions
  - Received grant award for computerized shelter registration system equipment
  - Updating Shelter Annex to the Emergency Operations Plan

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Emergency Management

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## City Preparedness, Response and Recovery Initiatives

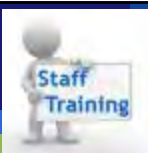
- ✦ Training afforded for shelter staff:
  - ✦ General shelter operations
  - ✦ Use of computerized shelter registration system
  - ✦ Content and deployment of Special Needs Trailer, equipment and supplies
  - ✦ Functional Special Needs Shelter exercise scheduled



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Emergency Management

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## Training

- ✦ Host to state and regional training events related to hurricane preparedness:
  - ✦ Department of Social Services computerized shelter registration and management
  - ✦ Regional Functional Needs Support Services
  - ✦ Virginia Department of Emergency Management Mass Fatalities course
  - ✦ Regional Catastrophic Planning Team - Hurricane Planning

6/11/2014

Emergency Management

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## Additional Info

- Information on hurricane preparedness – having a disaster kit, making a plan, and staying informed is available via:

- [www.hampton.gov](http://www.hampton.gov)

- Or at 727-1208

- Or contact 311

- On the regional Ready Hampton Roads website:

- [www.readyhamptonroads.org](http://www.readyhamptonroads.org)

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Emergency Management

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QUESTIONS?



**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0272**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **14-0272**

Request Number: **R-2014-00299**

File Type: **Briefing / Presentation /  
Hearing**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **James A. "Pete" Peterson and  
Leonard Sledge, Assistant City  
Manager, Economic Development  
Director**

Phone:

Title: **Economic Development - Why We Invest**

Action Requested: **No action required**

Estimated Time: **15 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body
6/6/2014	

Action
Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

Staff will make a brief presentation to Council on the reasons that various economic development initiatives are pursued and the outcomes which are sought from these efforts.



City of Hampton, VA

Agenda Review

File Number: 14-0236

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **14-0236**

Request Number: **R-2014-00281**

File Type: **Closed Session Motion**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **Closed session pursuant to Virginia Code Section 2.2-3711.A.1 and .7 to discuss the evaluation of the City Manager, the City Attorney and the Clerk of Council; to discuss appointments as listed on the published agenda; and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.**

Action Requested: **Convene closed session**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

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BRIEF BACKGROUND STATEMENT:



## City of Hampton, VA

### Agenda Review

File Number: 14-0240

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0240

Request Number: R-2014-00252

File Type: Appointment

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: N/A

Phone:

Title: to consider appointments to the Grievance Board

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 10 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date

Acting Body

Action

6/2/2014

Received By Clerk's Office

#### BRIEF BACKGROUND STATEMENT:

Renee Brooks' first term expires on June 30, 2014. She is eligible for reappointment to a second four year term which will expire on June 30, 2018.

Lesa Clark's second term expires on June 30, 2014. She is ineligible for reappointment.

Additionally, Teresa Schmidt is serving on the Grievance Board in a term to expire on June 30, 2016. She has been elected to the Hampton City Council so a replacement needs to be named to fill the unexpired portion of her term.

Council may wish to fill these vacancies with someone from the list of alternates: George E. Gaynor; Ralph A. Heath, III; Kim Humphrey; Pat Minetti; Vickie R. Williams; William H. Benson, Jr.; and Brian T. Kelly.

Ms. Williams has recently communicated with the Clerk of Council indicating her willingness to serve as a

regular Grievance Board member. There are also individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.

Finally, Bob Killen has resigned as an alternate and also resides in Williamsburg so Council should address this vacancy by the appointment of another alternate.





City of Hampton, VA

Agenda Review

File Number: 14-0241

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0241

Request Number: R-2014-00253

File Type: Appointment

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter:

Phone:

Title: to consider appointments to the 1619 Commission

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date

Acting Body

Action

6/2/2014

Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

On March 12, 2014, Council appointed seventeen (17) individuals to the newly-created 1619 Commission. Subsequently, Ashley Ide, an assistant principal at Barron Elementary, has indicated she is unable to serve. Council may wish to consider appointing another individual in her place.

Additionally, several members of Council have indicated a desire to appoint two young adults to this commission and may wish to do so at this time.

All appointments to this commission expire at the time of its conclusion on December 31, 2019.





**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0243**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0243**

Request Number: **R-2014-00257**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Joy Mautz**

Phone:

Requestor: **Joy Mautz**

Phone: **757-727-6891**

Presenter:

Phone:

Title: **to consider appointment to the Athletic Hall of Fame of the Lower Virginia Peninsula**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **10 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

Lynn Burke, Pat Minetti and Andy Greenwell have all completed their first term on the Athletic Hall of Fame. Lynn Burke and Pat Minetti are eligible for reappointment for another term. Andy Greenwell has indicated that he does not wish to be reappointed and Council is being asked to appoint a replacement to fill this vacancy.

There are individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.



## City of Hampton, VA

### Agenda Review

File Number: 14-0244

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0244

Request Number: R-2014-00258

File Type: Appointment

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Joy Mautz

Phone:

Requestor: Joy Mautz

Phone: 757-727-6891

Presenter:

Phone:

Title: to consider appointment to the Hampton Clean City Commission

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 10 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Applications

Date

Acting Body

Action

6/2/2014

Received By Clerk's Office

#### BRIEF BACKGROUND STATEMENT:

John Moyer is not accepting reappointment due to health issues. Shenelle Jones, Alan Rogers, and Theresa Sellers have resigned from the board. There are individuals on file with the Board Bank and the Commission has recommended any of the following five individuals for the four vacancies:

Kinesha Allen - participated in cleanups and the Schools Appearance Index

Clovis Calloway - has participated in Clean the Base and the Adopt-A-Spot program

Christopher Conyers - participated in the Adopt-A-Spot program during college

Wendy Iles - CEO of Hampton Grows, Inc., a community gardening group located in Hampton, and is active in a variety of Commission activities

Luretta Ray - participated in the School Pride In Action Program and the Adopt-A-Spot program for many years

All five have indicated willingness and enthusiasm to serve, and all five have committed to active participation on the Hampton Clean City Commission.

One vacancy expires on June 30, 2014; Two vacancies expire on January 31, 2016; and one vacancy expires on February 28, 2018.



City of Hampton, VA

Agenda Review

File Number: 14-0261

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0261

Request Number: R-2014-00277

File Type: Appointment

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Joy Mautz

Phone:

Requestor: Joy Mautz

Phone: 757-727-6891

Presenter: N/A

Phone:

Title: to consider an appointment to the Board of Review of Real Estate Assessments

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 10 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Applications

Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Kim Borum has completed her second term due to expire on June 30, 2014 and is ineligible for reappointment. Council is being asked to appoint a replacement to serve a four year term to expire June 30, 2018.

There are individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.

Given the specialized work of the Board and the financial implications of changes in assessments I hope that special consideration will be given by Council to a current applicant James Hunsecker, SRA. Mr. Hunsecker has been a state-licensed appraiser since 1991 and has his SRA professional designation from the Appraisal Institute. Mr. Hunsecker specializes in appraising residential properties and he would be an excellent replacement for Ms. Borum, who was a residential real estate agent.





**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0273**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0273**

Request Number: **R-2014-00300**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-63315**

Presenter: **Mary Bunting, City Manager**

Phone:

Title: **to consider an appointment to the Hampton Roads Regional Jail Authority**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
6/6/2014		Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

Assistant City Manager James Gray is serving as the City Manager's alternate on the Hampton Roads Regional Jail Authority. He will soon retire from the City of Hampton and the City Manager wishes to ask Council to appoint another alternate.

Additionally, Councilwoman Chris Snead is currently serving on the Hampton Roads Regional Jail Authority until June 30, 2014, with Councilman Donnie Tuck as her alternate. Typically Council discusses the appointments of Council members in July of election years, however, Council may wish to consider this one at this time.







**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0274**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **14-0274**

Request Number: **R-2014-00291**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Joy Mautz**

Phone:

Requestor: **Joy Mautz**

Phone: **757-727-6891**

Presenter: **N/A**

Phone:

Title: **to consider an appointment to the Hampton Redevelopment and Housing Authority (HRHA)**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **10 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
6/6/2014		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

Eleanor Brown's second term expires on June 30, 2014. She is ineligible for reappointment. Council is being asked to appoint a replacement to a four year term to expire June 30, 2018.

There are individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.



**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0237**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **14-0237**

Request Number: **R-2014-00282**

File Type: **Closed Session Certification**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **Resolution Certifying Closed Session.**

Action Requested: **Adopt Resolution**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

**LEGISLATION TEXT:**

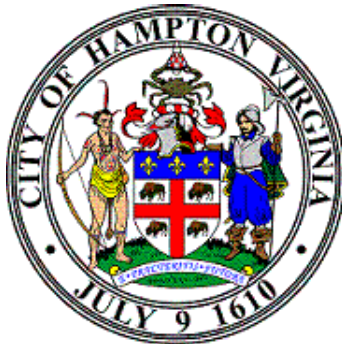
**WHEREAS**, the City Council of the City of Hampton, Virginia, has convened a closed session on this date pursuant to an affirmative recorded vote made in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712D of the Code of Virginia requires a certification by the City Council of the City of Hampton, Virginia, that such closed meeting was conducted in conformity with Virginia Law;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton, Virginia, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the city council of the city of Hampton, Virginia.

# City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)



## Council Agenda

Wednesday, June 11, 2014

6:00 PM

Council Chambers, 8th Floor, City Hall

## City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris  
Snead, Christopher G. Stuart, Donnie R. Tuck,  
George E. Wallace, Mayor*

### *Staff:*

*Mary Bunting, City Manager*

*Vanessa T. Valdejuli, City Attorney*

*Katherine K. Glass, CMC, Clerk of Council*

Last Published: 6/6/2014 12:51:40 PM

**CALL TO ORDER / ROLL CALL**

**PUBLIC COMMENT**

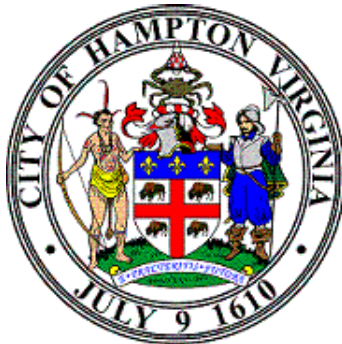
**ADJOURNMENT**

**Contact Info:**

**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**

# City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)



## Council Agenda

Wednesday, June 11, 2014

7:00 PM

Council Chambers, 8th Floor, City Hall

## City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris  
Snead, Christopher G. Stuart, Donnie R. Tuck,  
George E. Wallace, Mayor*

### *Staff:*

*Mary Bunting, City Manager*

*Vanessa T. Valdejuli, City Attorney*

*Katherine K. Glass, CMC, Clerk of Council*

Last Published: 6/6/2014 6:00:04 PM

## **WELCOME TO THE HAMPTON CITY COUNCIL MEETING**

Because of the large number of matters that need consideration, the City Council has established a meeting format and certain guidelines for citizen participation. These help ensure that everyone who wishes to speak can do so, and that the Council can benefit from hearing as many different people as possible in the shortest time. From time to time, It may be in the public's interest to change the format and guidelines, and the Council can do so at its discretion without prior notice.

### **THE ORDER OF BUSINESS**

The Council generally conducts meetings in the following order:

- (1) Call to Order
- (2) Ceremonial Matters
- (3) Consent Agenda
- (4) Regular Business Agenda
- (5) Miscellaneous New Business
- (6) Adjournment

Agenda items are taken up one at a time in the order in which they are listed. Matters on the consent agenda are routine and are adopted by one motion without separate discussion. However, items can be moved from the consent agenda to the regular agenda upon request by a citizen or a member of the Council. Keep in mind that the agenda is for the convenience of the public and the Council, and that it can be altered by the Council at any time without prior notice when the Council considers it in the public's interest to do so.

### **CITIZENS ARE INVITED TO PARTICIPATE**

The City Council has adopted a three (3) minute time limit policy for individuals desiring to address issues before this body. If you wish to address the City Council, please sign in before the meeting on the sign-up sheet located in the rear of Council Chambers. Please include your name and the subject on which you wish to speak, including the docket number if it is an item on the agenda. If you wish to address Council on a non-agenda item, the permission of Council is necessary.

If you are with a group of people, you may want to have a spokesman or two present your position to the Council and have others in agreement recognized by standing. The Council will always try to hear everyone who wishes to speak on a subject, but sometimes discussion has to be limited due to time. If the previous speaker has stated your position, you may make that known by reference (for example, "I agree with the position stated by Mr. Jones and have nothing further to add"). Repetition of positions by more than one speaker often uses more time than necessary.

Speakers are generally limited to one appearance, although Council can allow exceptions at its discretion. If possible, you should speak from prepared remarks to the subject under discussion. Irrelevant comments use others' time and your own and detract from your statements on the matter being considered.

Meetings of the Council are formal proceedings, and all comments are recorded on tape and by stenographer. For that reason, you are requested not to speak from your seat or out of turn. When you are called by the presiding officer, please follow these steps:

- (1) Come forward to the speaker's podium.
- (2) State your name and address
- (3) State your conclusion and give facts and other data to back it up.
- (4) If you represent a group or organization, ask the others to rise and be recognized.
- (5) If you have a written statement, give it and other supportive material to the Clerk for the record.

The above guidelines are intended to encourage the greatest possible participation by citizens at Council meetings. They can be modified at any time by the Council at its discretion and without prior notice.

Thank you for taking your time to participate in the Council meeting. Good government depends on the interest and involvement of you and your fellow citizens. We invite you to return.



## CALL TO ORDER/ROLL CALL

## INVOCATION - Vice Mayor Curtis

## PLEDGE OF ALLEGIANCE TO FLAG

## MAYOR'S COMMENTS

## CONSENT AGENDA

### Consent Items

1. **14-0224** Approval of the minutes from the Hampton City Council public comment period of April 9, 2014, the special meeting (evening) of May 7, 2014,
2. **14-0247** Ordinance to Amend and Reenact Chapter 13.1 of the City Code of the City of Hampton, Virginia Entitled "Land Disturbing Operations," by Amending Section 13.1-6, Permit Application and Fee, to Comply with Chapter 33.2 of the City Code of the City of Hampton, Virginia Entitled "Stormwater Management Ordinance"
3. **14-0248** Ordinance to Amend and Reenact Chapter 33.2 of the City Code of the City of Hampton, Virginia Entitled "Stormwater Management Ordinance," by Amending Section 33.2-4, Definitions; Section 33.2-8, Exemptions; and Section 33.2-13, Technical Criteria for Regulated Land-Disturbing Activities
4. **14-0265** Resolution Authorizing the Amendment to Article III Of The Articles of Incorporation of the Peninsula Town Center Community Development Authority Entitled, "Members," To Permit Subsequent Staggered Terms
5. **14-0245** Resolution Authorizing The Execution Of A License Agreement Between Sharon Bowman- Griffin And The City Of Hampton, Giving The City The Right And License To Reproduce And Display The Poem Honoring Rupert L. Sargent, "A Hero's Song" In The Ruppert Sargent Building At 1 Franklin Street.
6. **14-0225** Resolution Authorizing an advance of \$2,462,500 to School Maintenance and Improvement Projects from the City's General Fund Unassigned Fund Balance to be returned to the General Fund Unassigned Fund Balance from the proceeds of the City's 2015 General Obligation Bond Series when issued.

7. **14-0235** Resolution Concerning City of Hampton Concurrence with School Division electing to pay the Virginia Retirement System Board-Certified Rate (in accordance with the 2014 Appropriation Act Item 468(H))
8. **14-0232** Resolution Concerning Virginia Retirement System Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2014 Appropriation Act Item 468(H))
9. **14-0270** Resolution Authorizing the Transfer of \$250,000 from Capital Project-Short term Capital Initiatives Funds to Capital Projects Non-Departmental-Transfers to Hampton Redevelopment Authority Higher Valued Housing Incentive Grants Program to fund one of the city's high-valued housing strategic initiatives.
10. **14-0271** Resolution Authorizing the Transfer of \$200,000 from Capital Projects Fund Short-Term Capital Initiative to Capital Projects Aquatics Facility for the Conceptual Design and Costs Estimate of the Facility.
11. **14-0267** Resolution Authorizing the Transfer of \$200,000 From General Fund Non-Departmental to Capital Projects Fund to Construct Associated Docks and Piers, and to Purchase Boats in Support of the Development of a Community Sailing Center At Fort Monroe
12. **14-0262** Resolution Authorizing A \$500,000.00 Appropriation From The City's "General Fund Committed Fund Balance-Budget Savings Program" To The Capital Projects Fund "Time Accounting System Project"
13. **14-0249** Resolution Approving the Transfer of Funds from Old Buckroe Road Improvement that is Funded with VDOT Revenue Sharing Funds to North King Street Phase I
14. **14-0227** Resolution Accepting and Appropriating Donation Funds from the Undesignated Fund Balance to the Hampton Division of Fire & Rescue FY14 Budget for Donations Received from October 2012 to May 2014.
15. **14-0250** Resolution Accepting and Appropriating Funds for the Hampton Clean City Commission from the Department of Environmental Quality, Solid Waste Fund, Stormwater Fund and the General Fund.

- 16. **14-0251** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of Funds for the 2012 Tobacco Use Prevention for Children received from the Virginia Foundation of Healthy Youth.
- 17. **14-0252** Resolution Approving Participation and Appropriation by the City of Hampton, Virginia of the 2014-2015 Foster Grandparent Program through the Corporation for National and Community Service

## **PRESENTATIONS, PROCLAMATIONS, AWARDS**

## **PUBLIC HEARINGS**

### **Use Permit**

- 18. **14-0253** Use Permit Application No. 14-00007: Proposal by Felita Thomas, to operate a Day Care 3 for approximately 40 children at 915 N. King Street [LRSN 8000721].
- 19. **14-0254** Use Permit Application No. 14-00009: by Larry Curtis for live entertainment inside and outside Grandview Island Grill restaurant at 155 State Park Drive [LRSN 10000738].

### **Other Public Hearings**

- 20. **14-0258** Public Hearing and Vote on Recommended Fiscal Year 2015-2019 Capital Improvement Plan (CIP)

### **Ordinances**

- 21. **14-0234** Ordinance Approving the Vacation of a Portion of Right of Way Known as Martin Lane, Which is Located Between E. Pembroke Avenue and Old Point Lane, Comprising 3,472 Square Feet (0.080 Acre), More or Less
- 22. **14-0256** Ordinance Vacating a Surplus 60' Public Access and Utility Easement Containing 79,426± Square Feet or 1.83± Acres Located on Property Owned by the Economic Development Authority of the City of Hampton Near the Intersection of Floyd Thompson Boulevard and Research Drive and Designated as LRSNs 13003975 and 13003976.
- 23. **14-0257** Ordinance Vacating a Surplus Variable Width Utility Easement Containing 14,239± Square Feet or 0.327± Acres Located on Property Owned by the Economic Development Authority of the City of Hampton Near the Intersection of Floyd Thompson Boulevard and Research Drive and Designated as LRSN 13003975.

**Resolutions**

24. **14-0255** Resolution Authorizing Amendments to a Certain Perpetual, Non-exclusive Landscape Maintenance Easement Granted by the City Council Over Various Centerline Islands Located at Hampton Roads Center Central and South Campuses to the Hampton Roads Center Owners Association, Inc., in Order to Grant Additional Easements to Cover the Property Surrounding Four Monument Signs to Be Installed in City-Owned Right-of-Way.
25. **14-0266** Resolution to Authorize the Acquisition, by Negotiation or Condemnation, Pursuant to Section 25.1-100, Et Seq. of the Code of Virginia of 1950, As Amended, of an Easement From Parcel No. 040, Further Identified as 160 Saunders Road (LRSN 5001130) for the Saunders Road Widening Project

**GENERAL ITEMS****Appointments**

26. **14-0240** to consider appointments to the Grievance Board
27. **14-0241** to consider appointments to the 1619 Commission
28. **14-0243** to consider appointment to the Athletic Hall of Fame of the Lower Virginia Peninsula
29. **14-0244** to consider appointment to the Hampton Clean City Commission
30. **14-0261** to consider an appointment to the Board of Review of Real Estate Assessments
31. **14-0273** to consider an appointment to the Hampton Roads Regional Jail Authority
32. **14-0274** to consider an appointment to the Hampton Redevelopment and Housing Authority (HRHA)

**REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES****MISCELLANEOUS NEW BUSINESS****ADJOURNMENT**

**Contact Info:**

**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**



## City of Hampton, VA

### Agenda Review

File Number: 14-0224

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0224**

Request Number: **R-2014-00246**

File Type: **Minutes**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter:

Phone:

Title: **Approval of the minutes from the Hampton City Council public comment period of April 9, 2014, the special meeting (evening) of May 7, 2014,**

Action Requested: **Approve minutes**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date

Acting Body

Action

5/15/2014

Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:



City of Hampton, VA

Agenda Review

File Number: 14-0247

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0247

Request Number: R-2014-00262

File Type: Ordinance - Coded

Department: City Attorney

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Lendora Dale

Phone:

Requestor:

Phone:

Presenter: Veronica Meade, Sr. Assistant City Attorney

Phone: 727-6127

Title: Ordinance to Amend and Reenact Chapter 13.1 of the City Code of the City of Hampton, Virginia Entitled "Land Disturbing Operations," by Amending Section 13.1-6, Permit Application and Fee, to Comply with Chapter 33.2 of the City Code of the City of Hampton, Virginia Entitled "Stormwater Management Ordinance"

Action Requested: Approve

Estimated Time: 5 minutes

Indicators: Housekeeping

Advertised:

Fiscal Notes:

Attachments: Redline Version

Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

This amendment is required based on guidance received from the Virginia Department of Environmental Quality.

LEGISLATION TEXT:

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia, that Chapter 13.1 of the Code of the City of  
*City of Hampton, VA*

Hampton, Virginia entitled "Land Disturbing Operations" be amended and re-enacted as follows:

**Sec. 13.1-6. - Permit application and fee.**

- (b) Applicant shall pay a non-refundable fee according to the following schedule. Fees are based on the acreage associated with the disturbed area and shall be levied to cover the costs of processing and investigating the application for and the inspection of the land-disturbing activity as defined herein.

Area of Disturbance / Agreement	City Fee	State Fee	Total Permit Fee
Less than 2,500 square feet out of the IDA and RPA:	No charge and no permit required	No charge and no permit required	No charge and no permit required
Less than 2,500 square feet in the IDA and RPA:	\$175.00	\$0.00	\$175.00
2,500 square feet-but less than 1.0 acre in the IDA and RPA:	\$300.00	\$0.00	\$300.00
2,500 square feet-but less than 0.25 acre:	\$175.00	\$0.00	\$175.00
0.25 acre-but less than 0.50 acre:	\$225.00	\$0.00	\$225.00
0.50 acre-but less than 0.75 acre:	\$275.00	\$0.00	\$275.00
0.75 acre-but less than 1.0 acre:	\$219.00	\$81.00	\$300.00
1.0 acre-but less than 5.0 acres:	\$1,944.00	\$756.00	\$2,700.00
5.0 acres-but less than 10.0 acres:	\$2,448.00	\$952.00	\$3,400.00
10.0 acres-but less than 50.0 acres:	\$3,240.00	\$1,260.00	\$4,500.00
50.0 acres-but less than 100.0 acres:	\$4,392.00	\$1,708.00	\$6,100.00
100.0 acres or greater:	\$6,912.00	\$2,688.00	\$9,600.00
An agreement in lieu of an E&S plan:	\$75.00	\$0.00	\$75.00
An agreement in lieu of a stormwater plan:	\$75.00	\$0.00	\$75.00



Ordinance to Amend and Reenact Chapter 13.1 of the City Code of the City of Hampton, Virginia Entitled "Land Disturbing Operations," by Amending Section 13.1-6, Permit Application and Fee, to Comply with Chapter 33.2 of the City Code of the City of Hampton, Virginia Entitled "Stormwater Management Ordinance"

BE IT ORDAINED by the Council of the City of Hampton, Virginia, that Chapter 13.1 of the Code of the City of Hampton, Virginia entitled "Land Disturbing Operations" be amended and re-enacted as follows:

Sec. 13.1-6. - Permit application and fee.

(b) Applicant shall pay a non-refundable fee according to the following schedule. Fees are based on the acreage associated with the disturbed area and shall be levied to cover the costs of processing and investigating the application for and the inspection of the land-disturbing activity as defined herein.

<i>Area of Disturbance / Agreement</i>	<i>City Fee</i>	<i>State Fee</i>	<i>Total Permit Fee</i>
Less than 2,500 square feet out of the <i>IDA and RPA</i> :	No charge and no permit required	<i>No charge and no permit required</i>	<i>No charge and no permit required</i>
Less than 2,500 square feet in the <i>IDA and RPA</i> :	\$175.00	<i>\$0.00</i>	<i>\$175.00</i>
<i>2,500 square feet-but less than 1.0 acre in the IDA and RPA:</i>	<i>\$300.00</i>	<i>\$0.00</i>	<i>\$300.00</i>
2,500 square feet-but less than 0.25 acre:	\$175.00	<i>\$0.00</i>	<i>\$175.00</i>
0.25 acre-but less than 0.50 acre:	\$225.00	<i>\$0.00</i>	<i>\$225.00</i>
0.50 acre-but less than 0.75 acre:	\$275.00	<i>\$0.00</i>	<i>\$275.00</i>
0.75 acre-but less than 1.0 acre:	\$219.00	<i>\$81.00</i>	<i>\$300.00</i>
1.0 acre-but less than 5.0 acres:	\$1,944.00	<i>\$756.00</i>	<i>\$2,700.00</i>
5.0 acres-but less than 10.0 acres:	\$2,448.00	<i>\$952.00</i>	<i>\$3,400.00</i>
10.0 acres-but less than 50.0 acres:	\$3,240.00	<i>\$1,260.00</i>	<i>\$4,500.00</i>
50.0 acres-but less than 100.0 acres:	\$4,392.00	<i>\$1,708.00</i>	<i>\$6,100.00</i>
100.0 acres or greater:	\$6,912.00	<i>\$2,688.00</i>	<i>\$9,600.00</i>
An agreement in lieu of an <i>E&amp;S</i> plan:	\$75.00	<i>\$0.00</i>	<i>\$75.00</i>
<i>An agreement in lieu of a stormwater plan:</i>	<i>\$75.00</i>	<i>\$0.00</i>	<i>\$75.00</i>



**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0248**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0248**

Request Number: **R-2014-00263**

File Type: **Ordinance - Coded**

Department: **City Attorney**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Lendora Dale**

Phone:

Requestor:

Phone:

Presenter: **Veronica Meade**

Phone:

Title: **Ordinance to Amend and Reenact Chapter 33.2 of the City Code of the City of Hampton, Virginia Entitled "Stormwater Management Ordinance," by Amending Section 33.2-4, Definitions; Section 33.2-8, Exemptions; and Section 33.2-13, Technical Criteria for Regulated Land-Disturbing Activities**

Action Requested: **Approve**

Estimated Time: **5 minutes**

Indicators: **Housekeeping**

Advertised:

Fiscal Notes:

Attachments: Redline 33.2

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

This amendment is required based on guidance received from the Virginia Department of Environmental Quality.

**LEGISLATION TEXT:**

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia, that Chapter 33.2 of the Code of the City of Hampton, Virginia entitled "Stormwater Management Ordinance" be amended and re-enacted as follows:

....

#### Sec. 33.2-4. – Definitions.

Chesapeake Bay Preservation Act land-disturbing activity. A land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) adopted pursuant to the Chesapeake Bay Preservation Act.

....

#### Sec. 33.2-8. – Exemptions.

- (a) Notwithstanding any other provisions of this chapter, the following activities are exempt unless otherwise required by federal law:

....

- (9) Repair or rebuilding of tracks, rights of way, bridges, communication facilities, and other related structures and facilities of a railroad company;
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (11) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1;
- (12) Land-disturbing activities that disturb less than one acre of land area except for land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67, et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, Council may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply; and
- (13) Discharges to a sanitary sewer or a combined sewer system.

....

- (c) A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to coverage under the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities until July 1, 2014, at which time it shall no longer be considered a small construction activity but then shall be regulated under the requirements of this article.

....

#### Sec. 33.2-13. – Technical criteria for regulated land-disturbing activities.

- (b) Any land-disturbing activity shall be considered grandfathered by the city and shall be subject to the Part II C (9VAC25-870-93, et seq.) technical criteria of this chapter provided:
- (1) Any proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the city to be equivalent thereto (i) was approved by the city prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II C technical criteria of the regulations, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
  - (2) A state permit has not been issued prior to July 1, 2014; and
  - (3) Land disturbance did not commence prior to July 1, 2014.
- (c) City, state, and federal projects shall be considered grandfathered by the city and shall be subject to the Part II C technical criteria of the regulations provided:
- (1) There has been an obligation of city, state, or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;
  - (2) A state permit has not been issued prior to July 1, 2014; and
  - (3) Land disturbance did not commence prior to July 1, 2014.

- (d) Land-disturbing activities grandfathered under subsections (b) and (c) of this section shall remain subject to the Part II C technical criteria of the regulations for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the State Water Control Board.
- (e) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Part II C of the regulations.
- (f) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.

1 **Ordinance to Amend and Reenact Chapter 33.2 of the City Code of the City of Hampton,**  
2 **Virginia Entitled “Stormwater Management Ordinance,” by Amending Section 33.2-4,**  
3 **Definitions; Section 33.2-8, Exemptions; and Section 33.2-13, Technical Criteria for**  
4 **Regulated Land-Disturbing Activities**  
5

6 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia, that Chapter 33.2 of the  
7 Code of the City of Hampton, Virginia entitled “Stormwater Management Ordinance” be  
8 amended and re-enacted as follows:

9 ...

10 **Sec. 33.2-4. – Definitions.**

11 Chesapeake Bay Preservation Act land-disturbing activity. ~~Land-disturbing activity,~~  
12 ~~including clearing, grading, or excavation in all areas of jurisdictions designated as~~  
13 ~~subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Act,~~  
14 ~~Code of Virginia, § 62.1-44.15:67, et seq.~~ *A land-disturbing activity including clearing,*  
15 *grading, or excavation that results in a land disturbance equal to or greater than 2,500*  
16 *square feet and less than one acre in all areas of jurisdictions designated as subject to*  
17 *the Chesapeake Bay Preservation Area Designation and Management Regulations*  
18 *(9VAC25-830) adopted pursuant to the Chesapeake Bay Preservation Act.*

19 ....

20 **Sec. 33.2-8. – Exemptions.**

21 (a) Notwithstanding any other provisions of this chapter, the following activities are  
22 exempt unless otherwise required by federal law:

23 ....

24 (9) Repair or rebuilding of tracks, rights of way, bridges, communication facilities,  
25 and other related structures and facilities of a railroad company; and

26 (10) Installation of fence and sign posts or telephone and electric poles and other  
27 kinds of posts or poles;

28 *(11) Permitted surface or deep mining operations and projects, or oil and gas*  
29 *operations and projects conducted under the provisions of Title 45.1;*

30 *(12) Land-disturbing activities that disturb less than one acre of land area except for*  
31 *land-disturbing activity exceeding an area of 2,500 square feet in all areas of the*  
32 *jurisdictions designated as subject to the Chesapeake Bay Preservation Area*

*Designation and Management Regulations adopted pursuant to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67, et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, Council may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply; and*  
*(13) Discharges to a sanitary sewer or a combined sewer system.*

....

*(c) A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to coverage under the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities until July 1, 2014, at which time it shall no longer be considered a small construction activity but then shall be regulated under the requirements of this article.*

....

**Sec. 33.2-13. – Technical criteria for regulated land-disturbing activities.**

~~(b) Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan, zoning with a plan of development, or any document determined by the city as being equivalent thereto, was approved by the city prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the administrator and shall not be subject to the technical criteria of Part II B of the regulations but shall be subject to the technical criteria of Part II C of the regulations for those areas that were included in the approval, provided the administrator finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan, zoning with a plan of development, or any document determined by the city as being equivalent thereto (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C. In the event that the city-approved document subsequently is modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved~~

64 ~~plat or plan in the volume or rate of runoff, the grandfathering shall continue as~~  
65 ~~before.~~

66 ~~(1) Until June 30, 2019, for local, state, and federal projects for which there has~~  
67 ~~been an obligation of local, state, or federal funding, in whole or in part, prior~~  
68 ~~to July 1, 2012, or for which DEQ has approved a stormwater management~~  
69 ~~plan prior to July 1, 2012, such projects shall be considered grandfathered by~~  
70 ~~the city and shall not be subject to the technical requirements of Part II B of~~  
71 ~~the regulations, but shall be subject to the technical requirements of Part II C~~  
72 ~~of the regulations for those areas that were included in the approval.~~

73 ~~(2) For land-disturbing activities grandfathered under this subsection,~~  
74 ~~construction must be completed by June 30, 2019, or portions of the project~~  
75 ~~not under construction shall become subject to the technical requirements of~~  
76 ~~subsection (a) herein.~~

77 ~~(c) In cases where governmental bonding or public debt financing has been issued for a~~  
78 ~~project prior to July 1, 2012, such project shall be subject to the technical~~  
79 ~~requirements of Part II C of the regulations, as adopted by the city in subsection (b)~~  
80 ~~herein.~~

81 ~~(d) Nothing in this section shall preclude an operator from constructing to a more~~  
82 ~~stringent standard.~~

83 *(b) Any land-disturbing activity shall be considered grandfathered by the city and shall be*  
84 *subject to the Part II C (9VAC25-870-93, et seq.) technical criteria of this chapter*  
85 *provided:*

86 *(1) Any proffered or conditional zoning plan, zoning with a plan of development,*  
87 *preliminary or final subdivision plat, preliminary or final site plan, or any*  
88 *document determined by the city to be equivalent thereto (i) was approved by the*  
89 *city prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii)*  
90 *will comply with the Part II C technical criteria of the regulations, and (iv) has not*  
91 *been subsequently modified or amended in a manner resulting in an increase in*  
92 *the amount of phosphorus leaving each point of discharge, and such that there is*  
93 *no increase in the volume or rate of runoff;*

94 *(2) A state permit has not been issued prior to July 1, 2014; and*

- 95                   (3) *Land disturbance did not commence prior to July 1, 2014.*
- 96           (c) *City, state, and federal projects shall be considered grandfathered by the city and shall*  
97           *be subject to the Part II C technical criteria of the regulations provided:*
- 98                   (1) *There has been an obligation of city, state, or federal funding, in whole or in part,*  
99                   *prior to July 1, 2012, or the department has approved a stormwater management*  
100                  *plan prior to July 1, 2012;*
- 101                  (2) *A state permit has not been issued prior to July 1, 2014; and*
- 102                  (3) *Land disturbance did not commence prior to July 1, 2014.*
- 103           (d) *Land-disturbing activities grandfathered under subsections (b) and (c) of this section*  
104           *shall remain subject to the Part II C technical criteria of the regulations for one additional*  
105           *state permit cycle. After such time, portions of the project not under construction shall*  
106           *become subject to any new technical criteria adopted by the State Water Control Board.*
- 107           (e) *In cases where governmental bonding or public debt financing has been issued for a*  
108           *project prior to July 1, 2012, such project shall be subject to the technical criteria of Part*  
109           *II C of the regulations.*
- 110           (f) *Nothing in this section shall preclude an operator from constructing to a more stringent*  
111           *standard at his discretion.*





**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0265**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0265**

Request Number: **R-2014-00273**

File Type: **Resolution**

Department: **City Attorney**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Lendora Dale**

Phone:

Requestor:

Phone:

Presenter: **Pete Peterson, Assistant City Manager**

Phone: **727-6392**

Title: **Resolution Authorizing the Amendment to Article III Of The Articles of Incorporation of the Peninsula Town Center Community Development Authority Entitled, "Members," To Permit Subsequent Staggered Terms**

Action Requested: **Adopt the resolution**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Authority Articles of Incorporation  
April 30, 2014 Resolution to Authority  
Public Notice for the Authority Meeting on April 30, 2014

Date  
6/3/2014

Acting Body

Action  
Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

On February 22, 2006, the City Council created the Peninsula Town Center Community Development Authority ("the Authority") pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the Code of Virginia, as amended ("the Act").

The City Council adopted Articles of Incorporation for the Authority, which were filed with the State Corporation Commission as required by the Act. The Articles of Incorporation set forth the manner in which Authority board members are appointed and the length of board members' terms, however, the initial Articles of Incorporation failed to address subsequent terms.

Accordingly, by resolution dated April 30, 2014, the Authority board recommended to the City Council that it enact amendments to the Authority's Articles of Incorporation to permit subsequent staggered terms for the board members.

City staff recommends approval of the amendments to the Articles of Incorporation. The Act permits amendments to the Articles of Incorporation of the Authority by following the procedure prescribed for the creation of an authority under the Act.

LEGISLATION TEXT:

## **RESOLUTION**

**WHEREAS**, on February 22, 2006, the City Council of the City of Hampton, Virginia ("the City") created the Peninsula Town Center Community Development Authority ("the Authority," also referred to as "the Corporation") pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the Code of Virginia, as amended ("the Act");

**WHEREAS**, the City Council adopted Articles of Incorporation for the Authority, which were filed with the State Corporation Commission as required by the Act;

**WHEREAS**, the Articles of Incorporation set forth the manner in which Authority board members are appointed and the length of board members' terms;

**WHEREAS**, the initial Articles of Incorporation failed to address subsequent terms;

**WHEREAS**, by resolution dated April 30, 2014, the Authority board recommended to the City Council that it enact amendments to the Authority's Articles of Incorporation to permit subsequent staggered terms for the board members;

**WHEREAS**, the Act permits amendments to the articles of incorporation of the Authority by following the procedure prescribed for the creation of an authority under the Act;

**WHEREAS**, the City Council desires to amend the Authority's Articles of Incorporation as recommended by the Authority board.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

1. Article III of the Corporation's Articles of Incorporation shall be amended by amending and restating in its entirety the last paragraph in Article III to read as follows:

"The Initial Members including the Alternate Member shall have initial terms that will commence on March 20, 2006, and expire on September 15, 2009. Members appointed thereafter, excluding any alternate member, shall be appointed initially for terms of one, two, three and four years; one member being appointed for a one-year term, one member being appointed for a two-year term, one member being appointed for a three-year term, and two members being appointed for four-year terms. Any subsequently appointed alternate member shall have the same term as the member for whom such alternative member serves as an alternate."

2. The City Manager is authorized to execute and deliver all documents necessary to the State

Corporation Commission or others to effectuate this amendment.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia, held on June 11, 2014.

# Commonwealth of Virginia



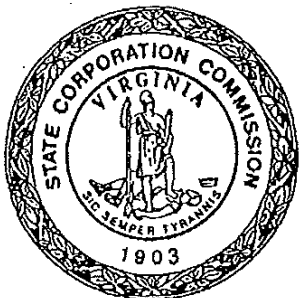
## STATE CORPORATION COMMISSION

*Richmond, March 9, 2006*

*This is to certify that the certificate of incorporation of*

### PENINSULA TOWN CENTER COMMUNITY DEVELOPMENT AUTHORITY

*was this day issued and admitted to record in this office and that  
the said corporation is authorized to transact its business subject  
to all Virginia laws applicable to the corporation and its business.  
Effective date: March 9, 2006*



*State Corporation Commission*

*Attest:*

*Joel H. Beck*  
Clerk of the Commission

**Articles of Incorporation  
of  
Peninsula Town Center Community Development Authority**

The undersigned, pursuant to Chapter 51, Title 15.2 of the Code of Virginia, adopts the following Articles of Incorporation for the Peninsula Town Center Community Development Authority and states as follows:

**Article I**

**Name**

The name of this authority is PENINSULA TOWN CENTER COMMUNITY DEVELOPMENT AUTHORITY (the "CDA").

**Article II**

**Organization**

Pursuant to an ordinance adopted by the City Council of the City of Hampton, Virginia ("City Council") on January 11, 2006, the CDA shall be organized by the City of Hampton, Virginia under the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2 of the Code of Virginia of 1950, as amended) (the "Act"), as a public body politic and corporate and a political subdivision governed by the laws of the Commonwealth of Virginia.

**Article III**

**Members**

The affairs of the CDA shall be conducted by an authority board of five members ("CDA Board"). The initial CDA Board members are as set forth below. All members shall be appointed by the City Council. One member of the CDA board shall be the City Manager or his designee. One member of the CDA board shall be the petitioner who petitioned the City Council for creation of the CDA or its designee. The City Council shall also appoint one alternate board member in a manner consistent with the Act. Each member shall serve a four year term, except the initial members who shall serve the terms of office set forth below. The election of officers of the CDA shall be as set forth in the By-Laws of the CDA. Qualifications and appointment of members of the CDA Board shall be consistent with the requirements of the Act.

**Initial CDA Board Members**

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>	<u>Email Address</u>
Benjamin A Williams III President & CEO	Noland Properties, Inc. Suite 2400 2700 Washington Ave. Newport News, VA 23607	Tel: 757-928-9000 Ext. 1203 Fax: 757-247-8205	<a href="mailto:benwilliams@noland.com">benwilliams@noland.com</a>
Jack L. Ezzell, Jr. President	ZEL Technologies 55 West Queens Way, Suite 208 Hampton, VA 23669	Tel: 757-722-5565 Fax: 757-722-8516	<a href="mailto:jack.ezzell@zeltech.com">jack.ezzell@zeltech.com</a>

Pamela B. Lawson  
Executive Vice  
President and CFO

Lockwood Broadcasting  
220 Salters Creek Road  
Hampton, VA 23661

Tel: 757-722-9736  
Fax: 757-726-0196

[plawson@cavtel.net](mailto:plawson@cavtel.net)

Judy Carr  
Vice President

Towne Bank  
1 Old Oyster Point Road  
Newport News, VA 23602

Tel: 757-249-7622  
Fax: 757-249-7600

[judy.carr@townebank.net](mailto:judy.carr@townebank.net)

Jesse Wallace  
City Manager

22 Lincoln Street, 8th Floor  
Hampton, VA 23669

Tel: 757-727-6392  
Fax: 757-728-3037

[jwallace@hampton.gov](mailto:jwallace@hampton.gov)

#### **Initial Alternate CDA Board Member**

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>	<u>Email Address</u>
Scott L. Seymour	100 Columbia Avenue Hampton, VA 23669	Tel: 757-624-3113 Fax: 757-624-3169	<a href="mailto:lsseymour@kaufcan.com">lsseymour@kaufcan.com</a>

The CDA Board shall have the powers and duties set forth in the Act and in these Articles of Incorporation and the By-Laws, to the extent that such powers and duties are not inconsistent with the Act.

The Initial Members including the Alternate Member shall have initial terms that will commence on March 20, 2006 and expire on September 15, 2009.

#### **Article IV**

##### **Principal Office**

The Authority's principal office shall be c/o Vincent J. Mastracco, Kaufman & Canoles, P.C., 150 West Main Street, Suite 2100, Norfolk, Virginia 23510. The Authority may conduct its business and maintain offices for such purposes at such other places within or without the City of Hampton, Virginia, as may from time to time be deemed advisable by the Board, and not in conflict with the requirements of the Act.

#### **Article V**

##### **Authority District**

The land initially encompassed within the CDA is set forth below (the "Initial Authority District") provided that the City Council, upon the request of the CDA or the petitioner petitioning to create the CDA, may release or exclude from the CDA District before or after the issuance of any Bonds issued by the CDA certain de minimis portions of land not to exceed approximately three acres. In addition, the CDA may release and exclude from the CDA district portions of land with respect to which all special assessments have been paid or prepaid.

### Description of Initial Community Development Authority Boundaries

Property Owner	Parcel Name	City of Hampton Tax ID	Square Feet	Acreage
Bagwell Investments, L.L.C.	Parcel A (Includes Parcel A-2)	07F0010000000A	30,440	0.699
Bagwell Investments, L.L.C.	Parcel A-2	07F0010000000AP	Parcel is Part of Parcel A, above	
Bagwell Investments, L.L.C.	Parcel B	07F0010000000B	30,000	0.689
Bagwell Investments, L.L.C.	Parcel C	07F0010000000C	20,724	0.476
J.C. Penney Properties, Inc.	Lot 1	07F00100000001	555,896	12.762
Hampton Mall Associates	Lot 2 (Includes	07F00100000002	469,448	10.777
Hampton Mall Associates	Leasehold) Lot 3	07F00100000003	36,077	0.828
Hampton Mall Associates	Lot 4 (Includes Lot 4-A & Lot 4-B)	07F00100000004	1,042,769	23.298
Hampton Mall Associates	Lot 5	07F00100000005	20,440	0.469
J.C. Penney Properties, Inc.	Lot 6	07F00100000006	91,603	2.103
Hampton Mall Associates	Lot 7	07F00100000007	233,218	5.354
Hampton Mall Associates	Lot 8	07F00100000008	21,700	0.498
Hampton Mall Associates	Lot 9 (Include Parcel 9A)	07F00100000009	771,648	17.714
Hampton Mall Associates	Lot 9A	07F00100000009A	Included in Parcel 9, above	
Bagwell Investments, L.L.C.	Lot 10	07F0010000000PC	28,440	0.653

Parcel A-2 only appears on the assessment maps. No evidence of property being two parcels  
Parcel 9A is the footprint of the existing Hecht's Department Store (D.B. 503 Pg. 674)

### Article VI

#### Purposes and Powers

The CDA is organized for the purpose of exercising all powers granted by the Act, including financing, funding, planning, establishing, acquiring, constructing or reconstructing, enlarging, extending, equipping, operating and maintaining all or a portion of the public improvements generally described in the Petition set forth below to create the CDA. The CDA shall have all powers granted to a "community development authority" under the Act.

RESOLUTION OF THE BOARD OF THE  
PENINSULA TOWN CENTER COMMUNITY DEVELOPMENT AUTHORITY

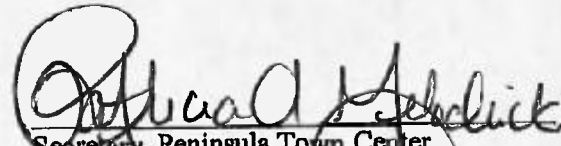
BE IT RESOLVED BY THE BOARD OF THE PENINSULA TOWN CENTER  
COMMUNITY DEVELOPMENT AUTHORITY:

1. That the Peninsula Town Center Community Development Authority (the "Authority") hereby approves the adoption of the Amendments to the Authority's Bylaws set forth in Exhibit A to this resolution.

2. That the Authority hereby recommends to the City Council of the City of Hampton, Virginia, that it enact Amendments to the Authority's Articles of Incorporation in the form set forth in Exhibit B to this resolution.

3. That this resolution shall take effect immediately upon its adoption.

ADOPTED this 30<sup>th</sup> day of April, 2014.

  
Secretary, Peninsula Town Center  
Community Development Authority



**PUBLIC NOTICE**  
**PENINSULA TOWN CENTER**  
**COMMUNITY DEVELOPMENT AUTHORITY**

**Annual Meeting Notice and Agenda**  
**Wednesday, April 30, 2014**

**Meeting Notice:** The Peninsula Town Center Community Development Authority will meet on Wednesday, April 30, 2014 at 9:00 a.m. in the Lawson Conference Room in the City Manager's office, 8<sup>th</sup> Floor, City Hall, 22 Lincoln Street,, Hampton, Virginia 23669.

**Agenda:**

CALL TO ORDER

ACTION ITEMS

- (1) Election of Officers of the Board
- (2) Approval of Minutes of the meeting of April 30, 2013
- (3) Resolution approving Amendment to CDA By-Laws and recommending City Council action to amend the Articles of Incorporation
- (4) A presentation, review and approval of the Annual Assessment Report
- (5) Resolution approving the actions taken regarding the Report
- (6) Such other items as may properly come before the meeting

ADJOURNMENT



City of Hampton, VA

Agenda Review

File Number: 14-0245

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0245

Request Number: R-2014-00259

File Type: Resolution

Department: City Attorney

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective: 6/11/2014

Status: Received By Clerk's Office

Created By: Lesa Yeatts

Phone:

Requestor:

Phone:

Presenter:

Phone:

Title: Resolution Authorizing The Execution Of A License Agreement Between Sharon Bowman- Griffin And The City Of Hampton, Giving The City The Right And License To Reproduce And Display The Poem Honoring Rupert L. Sargent, "A Hero's Song" In The Ruppert Sargent Building At 1 Franklin Street.

Action Requested: Adopt Resolution

Estimated Time: 5 min.

Indicators:

Advertised:

Fiscal Notes:

Attachments: The Hero's Song

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The City has acknowledged the contribution of the late Leon Ruppert Sargent to this community and to the nation at large by naming the public building at One Franklin Street in Hampton the Ruppert Leon Sargent Building. Sharon A. Bowman-Griffin, a Hampton resident is a cousin of Ruppert Leon Sargent and has authored a poem honoring his memory. She has executed a License Agreement consenting to the City's republication and display of the poem in the Ruppert Leon Sargent Building in a fashion befitting and honoring his memory. The Resolution gives the City Manager authority to execute the License Agreement on behalf and the City and to do whatever else is necessary to display the poem and celebrate the occasion with a ceremony at a future date.

LEGISLATION TEXT:

**RESOLUTION**

**WHEREAS**, the City Council has acknowledged the contribution of the late Leon Ruppert Sargent to this community and to the nation at large by naming its public building at One Franklin Street in Hampton the Ruppert Leon Sargent Building;

**WHEREAS**, Sharon A. Bowman-Griffin, cousin of Ruppert Leon Sargent, has authored a poem honoring his memory and has not only consented to the City's use of the poem, "The Hero's Song", in the Ruppert Leon Sargent Building, but has also requested that the poem be displayed in the building in a fashion befitting the honoring of his memory; and

**WHEREAS**, Council believes it is fit and appropriate to so honor Ruppert Leon Sargent and desires to do so.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hampton, Virginia that the City Manager shall and is hereby authorized to take such steps and to make such expenditures as are reasonable and necessary to cause the poem honoring Leon Ruppert Sargent, "The Hero's Song", to be displayed in an appropriate medium, location and manner in the Ruppert Leon Sargent Building and to celebrate the display of the poem and the author with an appropriate ceremony at a future date.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on June 11, 2014.

## **The Hero's Song**

*[in honor of Ruppert Leon Sargent]*

*My ancestors came to these shores clad only in chains,  
They did not know one day I'd go and make for them a name!  
All day long they sang sad songs, longing to be free,  
They were not here to dance and cheer when freedom came for me.  
Nor into a fine young man, would they see me grow;  
and what the future held for me, they would never know!*

*But, with the blood of tribal kings still flowing in my veins,  
I saddled up sweet liberty and proudly grasped her reins!  
She soon became more dear to me than a lover or a wife;  
I vowed that I'd protect her, even if it cost my life!  
She took me on a journey from man-child into man.  
T'was fraught with trials and triumphs....for it was God's plan*

*to equip me with a spirit of enduring sacrifice,  
So that when the time for action came, I would not think twice!  
In that valley of decision, Lord, I did not hesitate.  
Thinking only of my brothers, I chose to seal my fate.  
From my humble beginnings, little did I know  
that one day in a land far away, into a hero I would grow!*

*For me, now, the medal gleams; the bell tolls now for me!  
My name has found its resting place in my hometown by the sea!  
Fame was not my goal in life, nor glory did I seek;  
but, as a man, to make my stand, protecting the low and meek.  
I was just an ordinary man, doing what I must do;  
Life made a hero out of me and could make one of you!*

*City of Hampton, I thank you for the honor given me.  
I thank you for the gathering of my friends and family.  
I thank you, hometown citizens, for lending your support.  
I thank you all, for good will to everyone, you've brought.  
When I made a soldier's sacrifice, surely, I did not know  
that it was by so doing, into a hero I would grow!*

Sharon Bowman-Griffin, October 3, 2002



City of Hampton, VA

Agenda Review

File Number: 14-0225

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0225

Request Number: R-2014-00244

File Type: Resolution

Department: Budget/Finance

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Shannon Huff

Phone:

Requestor: Karl Daughtrey

Phone: 757-727-6230

Presenter: Karl Daughtrey, Finance Director

Phone: 757-727-6230

Title: Resolution Authorizing an advance of \$2,462,500 to School Maintenance and Improvement Projects from the City's General Fund Unassigned Fund Balance to be returned to the General Fund Unassigned Fund Balance from the proceeds of the City's 2015 General Obligation Bond Series when issued.

Action Requested: Adopt Resolution authorizing the advance of \$2,462,500 from the City's General Fund Unassigned Fund Balance with the express intent of reimbursing the General Fund Unassigned Fund Balance from the proceeds of the City's General Obligation Bond Series 2015 when issued.

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date

Acting Body

Action

5/17/2014

Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Council is being asked to advance \$2,462,500 from the General Fund Unassigned Fund Balance to the School Maintenance and Improvement Projects. Major maintenance and renovation projects on school buildings are performed during the summer vacation period because the buildings are substantially free of students and teachers; therefore, the construction work is less disruptive to school operations. An advance from the General Fund Unassigned Fund Balance provides for the work to be performed. It is the intent of the City to reimburse the General Fund Unassigned Fund Balance upon issuance of the new bonds.

LEGISLATION TEXT:

**Whereas**, the Hampton City Council appropriated via the FY2014 Capital Budget funds for School Maintenance and Improvement Projects which are to be funded from the proceeds of a City General Obligation Bond Issue in FY 2015; and

**Whereas**, Council acknowledges that proceeds from a 2015 bond issue will not be available to permit the City to procure and perform necessary work in a timely manner to meet deadlines, begin preliminary work and to work during the most opportune time; and

**Whereas**, the City Manager recommends an advance appropriation of \$2,462,500 from the General Fund Unassigned Fund Balance to the School Maintenance and Improvement Projects to provide funding on a temporary basis until the 2015 General Obligation Bonds are issued, at which time the advanced funds will be returned to the General Fund Unassigned Fund Balance.

**Now, therefore, be it resolved**, by the City Council of Hampton, Virginia, that the sum of \$2,462,500 is hereby appropriated to the School Maintenance and Improvement Projects and that this amount be returned to the General Fund Unassigned Fund Balance as soon as practicable from the proceeds of the anticipated FY 2015 General Obligation Bond Issue.



City of Hampton, VA

Agenda Review

File Number: 14-0235

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0235

Request Number: R-2014-00260

File Type: Resolution

Department: Budget/Finance

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Shannon Huff

Phone:

Requestor: Dr. Linda Shifflette

Phone: Superintendent of  
Schools

Presenter: Karl S. Daughtrey, City Finance  
Director

Phone: 757-727-6230

Title: Resolution Concerning City of Hampton Concurrence with School Division electing to pay the Virginia Retirement System Board-Certified Rate (in accordance with the 2014 Appropriation Act Item 468(H))

Action Requested: Virginia Retirement System Employer Contribution Rate Election

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Certificate  
Memo

Date

Acting Body

Action

5/23/2014

Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

In order to provide local governments and school systems temporary budget relief, the Virginia Retirement System (VRS) is giving them the opportunity to elect a contribution rate (percentage payroll) that is among two alternatives.

The rate options for Hampton City Schools are:

- 10.81% - the rate certified by the VRS Board of Trustees for the 2014-2016 biennium
- 10.48% - the alternate rate

Recommendation:

The School Division recommends the rate certified by the VRS Board of Trustees for the 2014-2016 biennium - 10.81%.

LEGISLATION TEXT:

**RESOLUTION**

BE IT RESOLVED, that the City of Hampton 55207 does hereby acknowledge that the Hampton City Schools has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(l) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the City of Hampton 55207 does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Hampton City Schools to pay the Certified Rate of 10.81%, as required by Item 468(H) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of City of Hampton 55207 are hereby authorized and directed in the name of the City of Hampton to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the City of Hampton, as appropriate, shall be affixed and attested by the Clerk.



CERTIFICATE OF THE CLERK OF COUNCIL

I, Katherine K. Glass, CMC, Clerk of Council for the City of Hampton, Virginia, certify that the attached is a true and correct copy of

**Legislation No:** \_\_\_\_\_

City of Hampton Concurrence with the School Division electing to pay the Virginia Retirement System Board-Certified Rate of 10.81% (in accordance with the 2014 Appropriation Act Item 468(H))

The above appears in the record and is on file in the Office of the Clerk of Council, City Hall, 22 Lincoln St., City of Hampton, Virginia

IN TESTIMONY THEREOF, I have set my hand and affixed the seal of this City, this \_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 2014

By \_\_\_\_\_  
Katherine K. Glass, CMC




## Hampton City Schools Administrative Center

ONE FRANKLIN STREET  
Hampton, Virginia 23669-3570

Linda Madsen Shifflette, Ed.D.  
Superintendent of Schools

---

To: Mary Bunting  
City Manager

From: Dr. Linda Shifflette   
Superintendent

Date: May 23, 2014

Subject: VRS Resolution

As was done two years ago at the beginning of the last biennium, the Virginia Retirement System requires a resolution from City Council for the upcoming biennium. This resolution involves the election/certification by the School Board of the employer retirement contribution rate for our non-professional (55807) employee group. The school division had the option of choosing either the rate certified by the VRS Board of Trustees for the 2014-2016 biennium (10.81%), or an alternate rate of 10.48%. The School Board voted on May 21, 2014 to stay with the Board certified rate of 10.81%. Based on this election, VRS requires that we have City Council adopt a resolution concurring with our choice. The attached resolution must be approved by City Council no later than June 30, 2014 and returned to VRS no later than July 10, 2014. Please return the completed resolution to Suzy Scott in Finance to be forwarded to VRS.

If you have any questions or concerns, please do not hesitate to call me.

cc: Suzanna Scott



City of Hampton, VA

Agenda Review

File Number: 14-0232

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0232

Request Number: R-2014-00243

File Type: Resolution

Department: Budget/Finance

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Shannon Huff

Phone:

Requestor: Karl Daughtrey

Phone: 727-6230

Presenter: Karl Daughtrey, Finance Director

Phone: 727-6230

Title: Resolution Concerning Virginia Retirement System Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2014 Appropriation Act Item 468(H))

Action Requested: Virginia Retirement System Employer Contribution Rate Election

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Clerk Certification

Date

Acting Body

Action

5/20/2014

Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

In order to provide local governments and school systems temporary budget relief, the Virginia Retirement System (VRS) is giving them the opportunity to elect a contribution rate (percentage payroll) that is among two alternatives.

The City of Hampton rate options are:

- 18.44% - the rate certified by the VRS Board of Trustees for fiscal years 2015 and 2016.
- 15.34% - the alternate rate which is the higher of the rate certified by the VRS Board for fiscal year 2012 or 80 percent of the VRS Board-certified rate for fiscal years 2015-2016.

Recommendation:

Although selection of the lower rate would provide temporary budget relief, in the longer term it would result in a reduction of potential investment earnings, a lower funded ratio due to fewer assets being available to meet liabilities and increased future funding costs. For these reasons, we recommend that Hampton continue to fund VRS at the rate certified by the VRS Board of Trustees which is 18.44%.

LEGISLATION TEXT:

## RESOLUTION

**BE IT RESOLVED**, that the City of Hampton 55207 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(l) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

**BE IT ALSO RESOLVED**, that the City of Hampton 55207 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

The Certified Rate of 18.44%

The Alternate Rate of 15.34%; and

**BE IT ALSO RESOLVED**, that the City of Hampton 55207 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

**NOW, THEREFORE**, the officers of the City of Hampton 55207 are hereby authorized and directed in the name of the City of Hampton to carry out the provisions of this resolution, and said officers of the City of Hampton are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City of Hampton for this purpose.

CERTIFICATE

I, Katherine K. Glass, CMC, Clerk of the City of Hampton, Virginia certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the City of Hampton held at Hampton, Virginia at \_\_\_\_\_ o'clock on June 11, 2014.  
Given under my hand and seal of the City of Hampton this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Clerk



City of Hampton, VA

Agenda Review

File Number: 14-0270

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0270

Request Number: R-2014-00297

File Type: Resolution - Budget Item

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: James A. "Pete" Peterson, Assistant  
City Manager

Phone:

Title: Resolution Authorizing the Transfer of \$250,000 from Capital Project-Short term Capital Initiatives Funds to Capital Projects Non-Departmental-Transfers to Hampton Redevelopment Authority Higher Valued Housing Incentive Grants Program to fund one of the city's high-valued housing strategic initiatives.

Action Requested: Adopt resolution

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date  
6/4/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Hampton has a disproportionate share of higher valued housing in comparison to all of our peer cities in the region. The median house value in Hampton of \$153,900 is the second lowest in the region and almost \$20,000 under the median value of houses in Newport News.

The following is an observation and conclusion by Ron Jackson, Executive Director of HRHA, during his Housing Profile presentation to City Council in July 2012:

Neighborhoods are economically stable when the housing stock as a composite mirrors the average housing values in the region, allowing the area to attract private investment and become less dependent on scarce local government resources. *Hampton's median housing value has lost significant ground*

*compared to the region in each of the last three decades. Hampton's housing values are skewed toward the low to moderate end. Increases in residential property values remained below regional averages over the last five years (2006). As a result, there is a need to increase the value and marketability of the city's existing housing stock. Because Hampton's median housing value continues to be among the lowest in the region, a characteristic that is positive for lower-income households searching for affordable housing and negative for the City's dependence on residential property taxes as an income source.*

*As the Hampton housing profile indicates, there is a decreasing amount of high-end and middle-income housing; there is not suitable housing to retain those upwardly mobile families seeking better housing options and community amenities. To stem the accumulation of aged and low value housing that directly impacts the city's tax base, Hampton must decide on a clear and consistent course of action.*

One of the City's 4-prong economic strategies is Higher-Valued Housing. The goal is to Increase the overall value of housing in Hampton, to include gaining a "fair share" of upper range housing in order to strength the tax base and provide housing stock for Hampton residents as their income grows, thus enabling the City to retain those residents and attract others. We must seize the opportunity to address this issue now because we have very little vacant land.

The guidelines for the program are still being finalized; however, they will be consistent with the parameters discussed.

LEGISLATION TEXT:

**WHEREAS**, the City of Hampton has established a partnership with the Hampton Redevelopment and Housing Authority (HRHA) to implement housing development strategies identified in the City's Community Development and various and various Master Plans;

**WHEREAS**, Hampton housing profile indicates Hampton has a disproportionate share of higher valued housing in comparison to all of our peer cities in the region;

**WHEREAS**, the Hampton housing profile also indicates that because Hampton's median housing value continues to be among the lowest in the region, a characteristic that is positive for lower-income households searching for affordable housing and negative for the City's dependence on residential property taxes as an income source;

**WHEREAS**, Hampton housing profile indicates there is a decreasing amount of high-end and middle-income housing, and there is no suitable housing to retain those upwardly mobile families seeking better housing options and community amenities;

**WHEREAS**, to stem the accumulation of aged and low value housing that directly impacts the city's tax base, there is a need to increase the value and marketability of the city's existing housing stock; and

**WHEREAS**, one of the strategies the City wishes to undertake, via this partnership with HRHA, is the establishment of a high valued housing incentive grant program to encourage home builders and residential developers to choose Hampton for developing and building higher values housing stock.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hampton, Virginia that \$250,000 be transferred from Capital Project-Short term Capital Initiatives Funds to Capital Projects Non-Departmental-Transfers to Hampton Redevelopment Authority Higher Valued Housing Incentive Grants Program to fund one of the city's high-valued housing strategic initiatives.







City of Hampton, VA

Agenda Review

File Number: 14-0271

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0271

Request Number: R-2014-00298

File Type: Resolution

Department: Budget/Finance

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Marcie Dunn

Phone:

Requestor: Terry O'Neill

Phone: 727-6140

Presenter:

Phone:

Title: Resolution Authorizing the Transfer of \$200,000 from Capital Projects Fund Short-Term Capital Initiative to Capital Projects Aquatics Facility for the Conceptual Design and Costs Estimate of the Facility.

Action Requested: Approve Resolution

Estimated Time: 15 minutes

Indicators:

Advertised:

Fiscal Notes: \$200,000 - This phase of the project is estimated to costs \$200,000.

Attachments:

Date	Acting Body	Action
6/5/2014		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The exploration of expanding sports tourism for Hampton arose from Council priority sessions in the summer of 2013. Out of these discussion, Council directed staff to work with consultants to identify potential sports tourism strategies. From this assessment of revenue-based destination recreation and leisure facilities, a competition level aquatics facility was identified as one (1) potential initiative that could generate positive economic results for the City.

Staff gave a presentation at the May 28, 2014, Council Work Session providing additional information gathered associated with establishing an aquatics facility in the Coliseum Central area.

Council asked the City Manager to proceed with conceptual design and cost estimates of such facility

which was identified as the next step in exploring the viability of the project. This information will then be brought back to City Council prior to any final decision to move forward with further design and construction.

LEGISLATION TEXT:

**RESOLUTION**

WHEREAS, the City of Hampton has been considering sports tourism opportunities as a priority strategy for generating revenues and meeting community recreation needs;

WHEREAS, the City of Hampton staff worked with consultants, Guernsey Tingle Architects, to identify potential sports tourism destination facilities;

WHEREAS, an aquatics facility has been identified as a potential revenue-based destination recreation facility that could provide positive results for the City of Hampton;

WHEREAS, the City of Hampton has identified its desire to further investigate establishing an aquatics facility within the Coliseum Central Area;

WHEREAS, City staff has been directed to further explore the viability of an aquatics facility, by pursuing a conceptual design and cost estimate for such facility; and

WHEREAS, the conceptual design and cost estimate are estimated to cost \$200,000.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hampton, Virginia that \$200,000 be transferred from the Capital Projects Fund Short-term Capital Initiative to Capital Projects-Aquatics Facility to underwrite the conceptual design and cost estimate of the facility.



City of Hampton, VA

Agenda Review

File Number: 14-0267

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0267

Request Number: R-2014-00294

File Type: Resolution - Budget Item

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Brian DeProfio

Phone:

Presenter: Jim Wilson, Department of Parks  
and Recreation

Phone:

Title: Resolution Authorizing the Transfer of \$200,000 From General Fund Non-Departmental  
to Capital Projects Fund to Construct Associated Docks and Piers, and to Purchase  
Boats in Support of the Development of a Community Sailing Center At Fort Monroe

Action Requested: Adopt Resolution

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes: \$140,000 - Fixed Pier and Floating Dock  
\$60,000 - Boats  
\$200,000 -

Attachments:

Date	Acting Body	Action
6/3/2014		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

City of Hampton has established a partnership with "Youth Sailing Virginia". Youth Sailing Virginia would like to establish a sailing program at Fort Monroe in Mill Creek. In order to accomplish the establishment of a sailing program at Fort Monroe, a fixed pier and floating dock must be constructed. Staff has determined that the construction of a fixed pier and floating dock behind the Fort Monroe Community Center together, with the purchase of additional boats and sailing craft, will not only promote youth sailing, but also provide paddle boats, canoe and kayak opportunities for customers at the Fort Monroe Community Center using Mill Creek.

LEGISLATION TEXT:

WHEREAS, the City of Hampton has established a partnership with "Youth Sailing Virginia";

WHEREAS, Youth Sailing Virginia would like to establish a sailing program at Fort Monroe in Mill Creek;

WHEREAS, in order to accomplish the establishment of a sailing program at Fort Monroe a fixed pier and floating dock must be constructed; and

WHEREAS, staff has determined that the construction of a fixed pier and floating dock behind the Fort Monroe Community Center together with the purchase of additional boats and sailing craft will not only promote youth sailing, but also provide paddle boats, canoe and kayak opportunities for customers at the Fort Monroe Community Center using Mill Creek.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hampton, Virginia that \$200,000 be transferred from General Fund Non-Departmental to the Capital Projects Fund to underwrite the construction of a fixed pier and floating dock in Mill Creek behind the Fort Monroe Community Center and the purchase of boats and sailing craft to support the development of a community sailing center at Fort Monroe.



**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0262**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0262**

Request Number: **R-2014-00278**

File Type: **Resolution - Budget Item**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **Brian DeProfio, Special Assistant to  
the City Manager**

Phone:

Title: **Resolution Authorizing A \$500,000.00 Appropriation From The City's "General Fund  
Committed Fund Balance-Budget Savings Program" To The Capital Projects Fund "Time  
Accounting System Project"**

Action Requested: **Adopt resolution**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

The City's timekeeping system needs to be improved to enhance the efficiency of the system. Staff has researched the systems available and determined the cost of the new system will be approximately \$500,000. This system will be implemented City-wide and will benefit all employees through electronic entry of time worked, leave requests and up to date leave information. Do to the City-wide impact of this system and the benefits that will be shared across departmental lines, the funding source for this new system will be Committed Fund Balance-Budget Savings Program.

**LEGISLATION TEXT:**

**WHEREAS**, the City of Hampton seeks to implement a more efficient time keeping system;

**WHEREAS**, the estimated cost of such a system is estimated to be approximately \$500,000.00;

**WHEREAS**, the new system will be implemented City-wide; and

**WHEREAS**, the new system will be accessible through time clocks located throughout the City, mobile devices and employee PCs to allow convenient time entry and will benefit all employees through electronic entry of time worked, leave requests and up to date leave information.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hampton, Virginia that \$500,000.00 (Five Hundred Thousand Dollars) shall be appropriated from the General Fund Committed Fund Balance- Budget Savings Program to the Capital Project Fund Time Accounting System Project.



**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0249**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **14-0249**

Request Number: **R-2014-00264**

File Type: **Resolution - Budget Item**

Department: **Public Works, Administration**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective: **6/11/2014**

Status: **Received By Clerk's Office**

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Created By: **Crystal Craig**

Phone:

Requestor: **Gayle Hicks**

Phone: **76284**

Presenter: **Gayle Hicks, Water Resources  
Engineer**

Phone: **76284**

Title: **Resolution Approving the Transfer of Funds from Old Buckroe Road Improvement that is  
Funded with VDOT Revenue Sharing Funds to North King Street Phase I**

Action Requested: **Approve Resolution**

Estimated Time: **N/A**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Resolution

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Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

For FY 13 the Virginia Department of Transportation (VDOT) invited the cities to submit requests for participation in a revenue sharing program for transportation projects. The Program provides funding on a 50/50 cost-sharing reimbursement basis with localities.

On November 1, 2011 Council approved a resolution requesting funding for seven (7) projects including the Old Buckroe Road Improvement project. There is not sufficient funding to proceed with the Old Buckroe Road Improvement project.

VDOT has approved the transfer of excess revenue sharing funds from the Old Buckroe Road Improvement project to the N. King Street Corridor Improvements project.

LEGISLATION TEXT:

**WHEREAS**, the City's adopted Capital Improvement Plan (CIP) for FY13 approved VDOT revenue sharing funding for Old Buckroe Road Improvement; and

**WHEREAS**, the Old Buckroe Road Improvement project has been delayed due to a lack of additional funding; and

**WHEREAS**, the Virginia Department of Transportation has agreed to transfer the unused portion of revenue sharing funds from Old Buckroe Road Improvement project to N. King Street Corridor Improvements to cover additional construction cost; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRIGINA:** that the excess funds from the Old Buckroe Road Improvement project be transferred and appropriated to the N. King Street Corridor Improvements project in the amount of \$350,000 in the Capital Projects Fund.





City of Hampton, VA

Agenda Review

File Number: 14-0227

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0227

Request Number: R-2014-00249

File Type: Resolution - Budget Item

Department: Fire

Introduced: 5/21/2014

Date of Final Action:

Enactment Number:

Effective: 6/11/2014

Status: Received By Clerk's Office

Created By: Chris Gallagher

Phone:

Requestor: David E Layman, Fire Chief

Phone: 757-727-6448

Presenter:

Phone:

Title: Resolution Accepting and Appropriating Donation Funds from the Undesignated Fund Balance to the Hampton Division of Fire & Rescue FY14 Budget for Donations Received from October 2012 to May 2014.

Action Requested: Accepting and appropriating donation funds for HDFR

Estimated Time: 15 min

Indicators: Income

Advertised:

Fiscal Notes:

Attachments: Donation Deposits for FY13 & FY14

Date

Acting Body

Action

5/17/2014

Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Hampton Division of Fire & Rescue occasionally receives monetary donations from the City's citizens as appreciation for a "job well done." They are asked by the citizens to use the donation for station personnel. HDFR requires the stations to use their donation funds to purchase items for the station that all station personnel on all three shifts may use. In the past they have purchased televisions; radios; commercial coffee makers; kitchen items such as pots, pans, dishes, glassware, bake ware, utensils, microwaves, other small kitchen appliances; exercise equipment; and sometimes they purchase things for their community such as hydrant markers for their districts in order to give back to the community they serve.

Hampton Fire & Rescue also receives donations from local businesses to purchase smoke detectors for the City's citizens or donations used towards the Annual October Fire Expo/Chili Cook-Off in downtown Hampton during Fire Prevention Week. This event features fire & rescue demonstrations, fire prevention information, emergency preparedness information, food & drinks, the fire safety house trailer, fun things for children to participate in, and the 5 Alarm Chili Cook-off.

HFR donations are used for things that our fiscal budget many not support.

LEGISLATION TEXT:

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton, Virginia accept donations in the amount of \$5,570.00 and appropriate to the Hampton Division of Fire & Rescue's FY14 budget from the Undesignated Fund Balance to be used for fire stations' needs, supplies, and equipment.

**Hampton Fire & Rescue**  
Donation Deposits to Treasurer's Office  
FY '14

Date Check Sent To City Treasurer	Name on Check	Check #	Amount of Check	Fund Dept. #	Service Code	Line Item	Notes:
10/25/13	Hampton Professional FF Assoc	586	\$300.00	01		57202	Donation for FPS Chili Cook-Off
10/25/13	Hampton Volunteer Fire & Rescue	1205	\$200.00	01		57202	Donation for FPS Chili Cook-Off
10/25/13	The Exchange Club of Wythe	2779	\$650.00	01		57202	Donation for FPS Chili Cook-Off
09/10/13	Hampton Vol Fire Engine Co. Inc.	146	\$100.00	01		57202	Donation-Fire Expo 2013
09/10/13	Molly Joseph Ward Mayor's Fund	830	\$250.00	01		57202	Donation-Fire Expo 2013
09/10/13	Jack Lubore/State Farm Insurance	4612	\$50.00	01		57202	Donation-Fire Expo 2013
09/10/13	Mid Atlantic Bath	6336	\$100.00	01		57202	Donation-Fire Expo 2013
09/10/13	Langley Federal Credit Union	1021383	\$50.00	01		57202	Donation-Fire Expo 2013
09/10/13	Bert's Flower Shop, Inc.	42003	\$50.00	01		57202	Donation-Fire Expo 2013
09/10/13	Lumber Liquidators, Inc.	841360	\$500.00	01		57202	Donation-Fire Expo 2013
09/10/13	John/Laurel Fuller	13110	\$125.00	01		57202	Donation-Honor Guard
09/10/13	James/Cheryl hale	3887	\$100.00	01		57202	Donation-Honor Guard
09/10/13	John/Bette Rhodes	7712	\$20.00	01		57202	Donation-Sta 10
09/10/13	Marie Kapshuck	4606	\$100.00	01		57202	Donation-Sta 10
10/25/13	Herndon Womans Club	2659	\$25.00	01		57202	Donation-Honor Guard
05/14/14	Bert's Flower Shop, Inc.	42797	\$50.00	01		57202	Donation-Fire Expo 2014
05/14/14	Old Point National Bank	030019	50.00	01		57202	Donation-Fire Expo 2014

**\$2,720.00**

**Hampton Fire & Rescue**  
**Donation Deposits to Treasurer's Office**  
**FY '13**

<b>Date Check To City Treasurer</b>	<b>Name on Check</b>	<b>Check #</b>	<b>Amount of Check</b>	<b>Fund Dept. #</b>	<b>Service Code</b>	<b>Line Item</b>	<b>Notes:</b>
10/17/12	Ruby A Abbott	2821	\$200.00	01		57202	Donation in memory of Ed Walton
10/17/12	Hampton Vol Fire & Rescue Assoc.	1095	\$200.00	01		57202	Donation for Fire Expo
11/14/12	Buckroe New Hope Group	958	\$140.00	01		57202	Donation for room use
11/14/12	John J Granger	671	\$20.00	01		57202	Donation for Sta 6
11/14/12	Jack Lubore STATE FARM	4432	\$50.00	01		57202	Donation for Fire Expo
11/14/12	Molly Joseph Ward	777	\$100.00	01		57202	Donation for Fire Expo
11/14/12	Langley Federal Credit Union	954821	\$50.00	01		57202	Donation for Fire Expo
11/14/12	Lumber Liquidators Inc.	814597	\$500.00	01		57202	Donation for Fire Expo
11/14/12	Pearls	8675	\$50.00	01		57202	Donation for Fire Expo
11/14/12	Bert's Flower Shop Inc.	41090	\$50.00	01		57202	Donation for Fire Expo
11/14/12	Old Point National Bank	023211	\$100.00	01		57202	Donation for Fire Expo
11/14/12	The Exchange Club of Wythe	2717	\$600.00	01		57202	Donation for Fire Expo
11/14/12	HPT Vol Fire & Rescue Assoc	1095	\$200.00	01		57202	Donation for Fire Expo
11/14/12	Lt. Col. George T Smith	8192	100.00	01		57202	Donation Sta 1
03/26/13	Donald B /Debra C Price	6521	\$100.00	01		57202	Donation Sta 2
3/27/12	Chandler Insurance Agency Inc	1341	\$100.00	01		57202	Donation for Fire Expo
03/27/13	Willow Oaks Evening Garden Club	247	\$40.00	01		57202	Donation for Fire Training
06/11/13	AL & CA Bergstrom	4812	\$100.00	01		57202	Donation for Sta 5 in memory of Dorothy Wallace Buchanan
06/12/13	Joan B & Richard A Mars	8352	\$100.00	01		57202	Donation for Sta 5 in memory of Dorothy Wallace Buchanan
06/26/13	Henry L Hardister	8359	\$50.00	01		57202	Donation for Sta 6 in memory of Joseph Grimm
			<b>\$2,850.00</b>				



City of Hampton, VA

Agenda Review

File Number: 14-0250

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0250

Request Number: R-2014-00265

File Type: Resolution - Grant

Department: Budget/Finance

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Marcie Dunn

Phone:

Requestor: Deborah Blanton

Phone: 727-1199

Presenter: N/A, N/A

Phone: N/A

Title: Resolution Accepting and Appropriating Funds for the Hampton Clean City Commission from the Department of Environmental Quality, Solid Waste Fund, Stormwater Fund and the General Fund.

Action Requested: Adopt Resolution

Estimated Time: 1 min

Indicators:

Advertised:

Fiscal Notes: \$194,081 - \$5,000 - Keep Hampton Green Donations; \$30,000 - VA Department of Environmental Quality; \$55,000 - Solid Waste Fund; \$47,115 - Stormwater Fund; and \$56,966 from the General Fund

Attachments: FY15 Clean City Commission Grant

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Hampton Clean City Commission, established by City Council in 1978, enlists Hampton's citizens in the effort to clean up litter and to prevent it by educating others. The Commission also works to improve the appearance of the City of Hampton through urban forestry, stormwater and water quality education, and beautification projects. Among the projects the Commission undertakes are the Adopt-A-Spot Program, which enlists volunteers in keeping Hampton clean and beautiful, and the Keep Hampton Green urban forestry donation fund, which uses private donations to purchase trees and shrubs for public areas of the City. The Commission also works extensively with youth to lay the foundation for future stewardship of our city.

The Commonwealth of Virginia allocates 90 percent of the funds collected through three "litter taxes" to a grant program that funds local litter prevention and recycling activities. Every locality in Virginia is eligible

to receive these annual, non-competitive, non-matching grant funds. Appropriated amounts are based upon a locality's population and road mileage. The amount allocated to the City of Hampton for FY2015 is estimated to be up to \$30,000.

The Solid Waste Fund, the Stormwater Fund, and the General Fund provide operational support funds for the Clean City Commission's many projects and activities.

LEGISLATION TEXT:

**WHEREAS**, the Hampton Clean City Commission is awaiting notification from the Virginia Department of Environmental Quality on their allocation amount for the litter prevention program, estimated to be up to \$30,000; and

**WHEREAS**, \$55,000 from the Solid Waste Fund, \$47,115 from the Stormwater Fund, and \$56,966 from the General Fund have been awarded to the Clean City Commission; and

**WHEREAS**, the grant award covers the period July 1, 2014 through June 30, 2015;

**WHEREAS**, it is anticipated that \$5,000 in donations from the Keep Hampton Green Fund will be received on behalf of Commission urban forestry activities;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates an amount up to \$5,000 from Keep Hampton Green donations, an amount up to \$30,000 from the Virginia Department of Environmental Quality, \$55,000 from the Solid Waste Fund, \$47,115 from the Stormwater Fund, and \$56,966 from the General Fund for a total of up to \$194,081, and any additional funds awarded from these sources in accordance with the grant agreement.

**BE IT FURTHER RESOLVED** that the City Council of the City of Hampton authorizes the City Manager to take the necessary steps to implement this grant award.



**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0251**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0251**

Request Number: **R-2014-00266**

File Type: **Resolution - Grant**

Department: **Budget/Finance**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Marcie Dunn**

Phone:

Requestor: **Synethia White**

Phone: **727-1200**

Presenter: **N/A, N/A**

Phone: **N/A**

Title: **Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of Funds for the 2012 Tobacco Use Prevention for Children received from the Virginia Foundation of Healthy Youth.**

Action Requested: **Adopt Resolution**

Estimated Time: **1 min**

Indicators:

Advertised:

Fiscal Notes: \$42,691 - No required local match

Attachments:

Date

Acting Body

Action

6/2/2014

Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

The City of Hampton Department of Parks and Recreation proposes to operate the Virginia Foundation for Healthy Youth Grant Program for children at 19 sites: Various sites include; Community Centers, School Age Program After School Programs and Community Groups such as; Inspiring Minds, New Life, Newtown Learning Center and Girls Inc.

The focus is on reaching third through fifth graders; ages 7-10 year olds, in Hampton by helping kids learn to make positive, healthy lifestyles choices. Due to the success of this program in Virginia, in 2009 the Foundation was renamed and the mission was expanded to include childhood obesity. Originally established by the Virginia General Assembly as Virginia Tobacco Settlement Foundation (VTSF) in 1999, Virginia Foundation of Healthy Youth (VFHY) now leads statewide efforts to reduce and prevent youth tobacco use and childhood obesity.

The VFHY initiatives are programs, marketing, research and public relations. The objective is to implement prevention programs and projects that promote healthy youth through: Integration of science-based tobacco use prevention curricula in youth settings, community level adaptations through policy, systems and environmental change.

LEGISLATION TEXT:

**WHEREAS**, the Hampton Clean City Commission is awaiting notification from the Virginia Department of Environmental Quality on their allocation amount for the litter prevention program, estimated to be up to \$30,000; and

**WHEREAS**, \$55,000 from the Solid Waste Fund, \$47,115 from the Stormwater Fund, and \$56,966 from the General Fund have been awarded to the Clean City Commission; and

**WHEREAS**, the grant award covers the period July 1, 2014 through June 30, 2015;

**WHEREAS**, it is anticipated that \$5,000 in donations from the Keep Hampton Green Fund will be received on behalf of Commission urban forestry activities;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates an amount up to \$5,000 from Keep Hampton Green donations, an amount up to \$30,000 from the Virginia Department of Environmental Quality, \$55,000 from the Solid Waste Fund, \$47,115 from the Stormwater Fund, and \$56,966 from the General Fund for a total of up to \$194,081, and any additional funds awarded from these sources in accordance with the grant agreement.

**BE IT FURTHER RESOLVED** that the City Council of the City of Hampton authorizes the City Manager to take the necessary steps to implement this grant award.





City of Hampton, VA

Agenda Review

File Number: 14-0252

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0252

Request Number: R-2014-00267

File Type: Resolution - Grant

Department: Budget/Finance

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Marcie Dunn

Phone:

Requestor: Jason Samuals

Phone: 727-1858

Presenter: N/A, N/A

Phone: N/A

Title: Resolution Approving Participation and Appropriation by the City of Hampton, Virginia of the 2014-2015 Foster Grandparent Program through the Corporation for National and Community Service

Action Requested: Adopt Resolution

Estimated Time: 1 min

Indicators:

Advertised:

Fiscal Notes: \$447,657 - Includes Hampton's portion of \$64,969 cash match and \$1,560 in-kind match

Attachments:

Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Peninsula Foster Grandparent Program is a non-profit program, which is funded by the Federal and local governments. The Program provides the opportunity for limited income and other qualified senior citizens, age 55 and older, to work with and mentor children 15 or 20 hours weekly and to be involved in their communities. The Program will begin its 42<sup>nd</sup> year of operation in 2014 and it remains one of over 300 national Foster Grandparent Programs managed by the Corporation for National and Community Service. The Cities of Hampton and Newport News, continue to sponsor the Program locally. The service areas represented by the Program includes; the City of Hampton, Newport News, Williamsburg and the Counties of Yorktown and James City.

The Program continues to provide many financial, educational, social and other benefits to our volunteers such as:

- A tax free hourly stipend of \$2.65 to income qualified volunteers;
- A tax free monthly transportation reimbursement (calculated \$2.50 daily);
- Accidental insurance;
- Initial and on-going training by professionals, community workshops and forums;
- Limited reimbursements for physicals;
- Recognition and socialization;
- Community involvement;
- Resource to gain experience and to use "life experiences" to help others.

Our senior volunteers work with children who may have multiple needs such as juvenile delinquents, children who are mentally and physically challenged, abused or who are from violent homes (at risk children), and many others. The Program primarily focuses on the area of literacy and many of our volunteers help prepare children for PAL's and SOL testing. Overall our volunteers serve as mentors and help to provide the love that all children need to succeed in life. Furthermore; the program's strategic initiative is to engage at risk students in their communities by mentoring and academic assistance.

Volunteers are assigned to such environments as elementary and primary schools, head start programs, daycare centers, before and after school programs, juvenile detention, just to name a few. Additionally our volunteers help to meet the needs of children and in turn the needs of the community. These needs are identified through performance measures, and work plans which are tools used to evaluate and measure our success and to help meet program goals and objectives.

**As of this date:**

- Currently there are 114 volunteers of which 105 are active stipend volunteers and 3 are non-stipend volunteers who serve at 31 volunteer stations on the Peninsula.
- Currently 11 active volunteer stations are located in Hampton and 51 volunteers are Hampton residents.
- **Stipend volunteers** serve a minimum of 20 hours weekly to work with a minimum of three children each. Seventy volunteers, who are Hampton residents will:
  1. Serve a minimum of 255 children weekly.
  2. Serve a minimum of 1040 each or 53,040 volunteer hours from July 1, 2014 to June 31, 2015.
  3. Receive a minimum of \$140,556 in annual non-taxable stipend funds.
  4. Receive a minimum of \$17,000 in yearly transportation reimbursement if funds are available.
  5. Receive invaluable recognition from the Program, volunteer stations and from the community.
  6. Receive invaluable initial and on-going training from the Program, volunteer stations and the community.
- Again, the Program is currently supporting 114 active volunteers. The Program is federally funded for and required to have 82 stipend volunteers and 85,250 volunteer hours.
- In turn we plan to maintain 114 active stipend volunteers to achieve the 85,250 volunteer hours.

LEGISLATION TEXT:

**WHEREAS**, the City of Hampton's Foster Grandparent Program has prepared an application for the Foster Grandparent Program to the Corporation for National and Community Service in the amount of \$447,657; and

**WHEREAS**, The FY14/15 Foster Grandparent Program (year 1 of multiyear grant 3 year cycle); and

**WHEREAS**, this program will provide limited income and other benefits to qualified senior citizens on the Peninsula with the opportunity to volunteer to work with and mentor children; and

**WHEREAS**, the Foster Grandparent Program's required local match is being provided by anticipated in-kind contributions and anticipated cash support from the Cities of Hampton and Newport News and York county and that the specified use of the grant funds are in keeping with the goals and responsibilities of the City of Hampton and the Corporation for National and Community Service;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton, Virginia:

1. accepts and appropriates the grant application in the amount of \$ 447,657 which includes the City of Hampton's cash contribution of \$64,959 and in-kind match of \$1,560; and
2. accepts and appropriates any supplemental grant awards made from the Corporation for National and Community Service in accordance with the grant agreement; and
3. accepts and appropriates any donations made on behalf of this grant in accordance with the grant agreement; and
4. accepts and appropriates any local reserve funds designated by the program's Advisory Council.



City of Hampton, VA

Agenda Review

File Number: 14-0253

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0253

Request Number: R-2014-00268

File Type: **Planning Actions - Use Permit**

Department: **Planning**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Alison Alexander, City Planner**

Phone: **728.5238**

Title: **Use Permit Application No. 14-00007: Proposal by Felita Thomas, to operate a Day Care 3 for approximately 40 children at 915 N. King Street [LRSN 8000721].**

Action Requested: **Approve Use Permit No. 14-00007 with ten (10) conditions.**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Application  
Conditions  
Presentation  
Staff Report  
PC Resolution

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

This is a request for a use permit to operate a day care facility for a maximum of 42 occupants. Clients are to range in age from 5 to 12 years, and hours of operation are 6:00am to 6:30pm Monday through Friday and 2:30pm to 6:30pm on Saturday.

The applicant intends to lease the building from Marcia L. & Harry E. Adair, the owners of the property in which the day care will be located at 915 N. King Street. The site provides sufficient parking for day care services.

The property is split-zoned C-1, Neighborhood Commercial District, and C-2, Limited Commercial District, both of which permit a Day Care 3 subject to securing a use permit.

The Hampton Community Plan (2006, as amended) recommends Medium Density Residential use for this area. The Plan also recommends policies that will encourage and maintain an environment that nurtures children in the Hampton community.

In line with the Hampton Community Plan, this proposal will encourage a nurturing atmosphere for children by providing a healthy and educational environment for children who are out of parental care for a portion of the day.

The Planning Commission recommends approval of this item with ten (10) conditions.



Application for  
**Use Permit**

OFFICE USE ONLY  
Date Received:

March 06, 2014

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton  
Community Development Department, Planning Division  
22 Lincoln Street, 5th Floor  
Hampton, Virginia 23669

Case Number UP **14-00007**

**1. PROPERTY INFORMATION**

Address or Location 915 N. King St. Hampton, VA 23669

LRSN 8000721 Zoning District C1 + C2 (split)

Current Land Use Vacant

Proposed Land Use Day Care 3

The proposed use will be in: ☒ an existing building ☐ a new addition ☐ a new building

**2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)**

Owner's Name Marcia L. + Harry E. Adair

Address 915 N. King St. City Hampton State VA Zip 23669

Phone (757) 879-3395 Email marcia\_23663@yahoo.com

**3. APPLICANT INFORMATION (if different from owner)**

Applicant's Name Felita Thomas

Address 24 Ashwood Drive City Hampton State VA Zip 23666

Phone 757-812-5872 Email fanthomas@verizon.net

**4. APPLICANT AGENT INFORMATION (if different from applicant)**

Agent's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_



## 5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

Complete this section only if the property owner is not an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity \_\_\_\_\_

Signed by:

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## 6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed) Marcin L. Adam

Signature [Signature] Date 2/27/2014

Name (printed) Harry E. Blair

Signature [Signature] Date 27 Feb 2014

### OFFICE USE ONLY

☐ Application Form

☐ Narrative Statement

☐ Supplemental Form (if required)

☐ Application Fee

☐ Survey Plat

☐ Additional materials (if required)



Supplemental Information for  
**Day Care**

OFFICE USE ONLY  
Date Received

Complete this supplement in its entirety and submit with the completed Use Permit application form to the address below:

City of Hampton  
Community Development Department, Planning Division  
22 Lincoln Street, 5th Floor  
Hampton, Virginia 23669

Case Number UP \_\_\_\_\_

**1. LOT INFORMATION**

Lot Width 2044 Lot Depth 37 x 76 Total Lot Area (ac. or sq. ft.) 18,731  
Area to be Fenced (ac. or sq. ft.) 3798 sq ft Fence Height 8 ft Fence Type wood  
Area of Outdoor Play Area (ac. or sq. ft. - if different from area to be fenced above) \_\_\_\_\_  
Current Number of On-site Parking Spaces 20 Proposed Number of On-site Parking Spaces 14

☐ Please attach a sketch showing the parking area and the circulation to, from and within the parking lot

**2. BUILDING INFORMATION**

Square Footage 3620 Stories 1 Number of Classrooms 4  
Number of Offices 2 Number of Kitchens 1 Number of Toilets 2  
Number of Washbasins 2 Area of Indoor Play Area (sq. ft.) 1446  
Is this currently an occupied residence? ☐ Yes ☒ No Will this be an occupied residence? ☐ Yes ☒ No  
Type of Construction: ☐ Wood Frame with Siding ☒ Wood Frame with Brick ☐ Masonry  
☐ Other (describe) \_\_\_\_\_

☐ Please attach a floor plan showing rooms labeled with square footage, use and (for classrooms) ages of children

**3. OPERATIONAL INFORMATION**

Number of Clients 40 Age Range of Clients 5-12 Number of Employees 4  
Hours of Operation: Mon 6-6:30pm Tue 6-6:30pm Wed 6-6:30pm Thu 6-6:30pm  
Fri 6-6:30pm Sat 3-6pm Sun \_\_\_\_\_  
"One Sat a month"

**4. LICENSING**

Name of State Licensing Agency Virginia Department of Social Services



This proposal is for a conditional permit at 915 N. King street to conduct Day Care. The day care center will be for a before and after school care program for school age children 5-12. Hours of operation will be 0600-630 pm Monday through Friday and open one Saturday a month from 230-630. Transportation to and from the children's school will be provided. Transportation will also be available for drop off after the program ends.

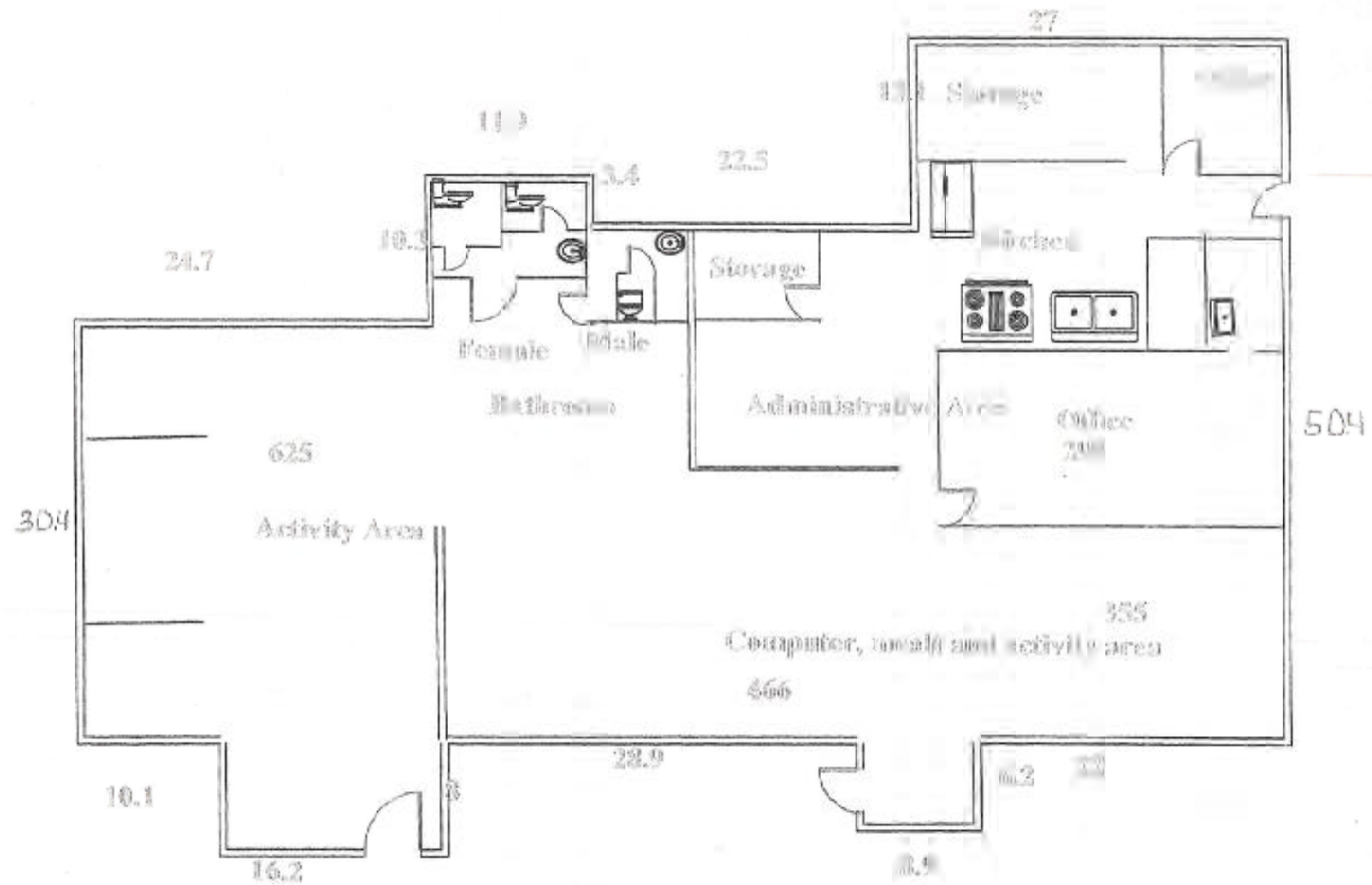
The building at 913 N. King Street is 3620 sq feet, with one dwelling unit. The number of employees will depend on the number of children that will be in the program. According to Virginia Standards for Licensed Child Day Centers, the guideline is 1 employee for 18 children in the ages of 5-12. If capacity is reached of 40 children, 4 employees will be hired.

Operational details: Hours 0600-6:30 Monday through Friday, 230-630, 2<sup>nd</sup> Saturday of the month

According to Standards for Licensed Child Day Centers in VA, ratio for child to employee is 1:18 for children from age of edibility to attend school through 8 years old and for children 9 to 12, the ratio is 1:20.

Number of parking spaces at the site is 18. Circulation of vehicles at the site is two ways. N. King Street has four lanes, two going in each direction. That area is not a cluttered location and travel will be easily flowed.

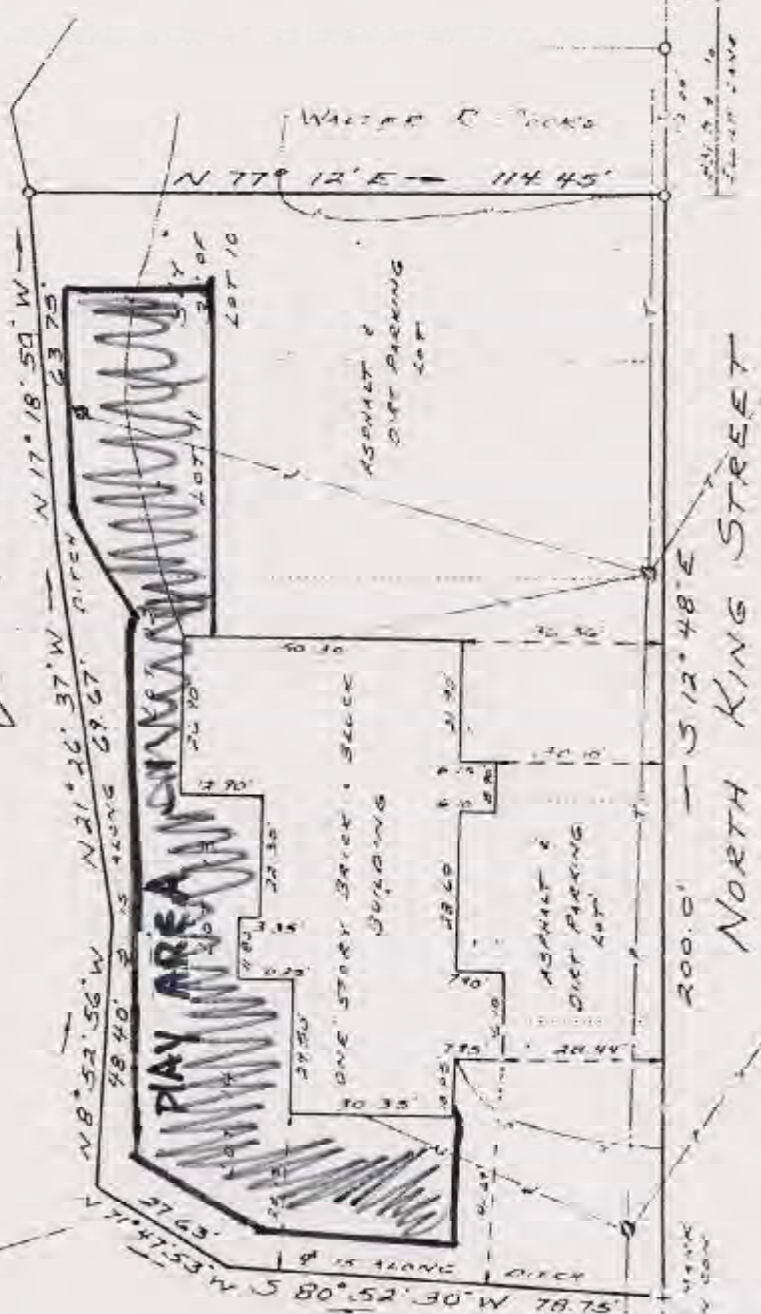
Ownership will be one owner, LLC. Owner will be Ms. Felita Thomas. Ms. Thomas will also be the director of the center and will manage the property and business.



915 North King Street floor plan  
 Scale: 1/8" = 1'-0"

In the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, July 3  
1979 at 12:54 P.M. The foregoing instrument was this day presented in office  
and upon certificate thereto entered, admitted to record as the law direct.  
I certify that taxes of Section 58-54.1 Code of Virginia have been paid.

Teste:  
George Brown  
Dep. Clerk



SYMBOLS DENOTE

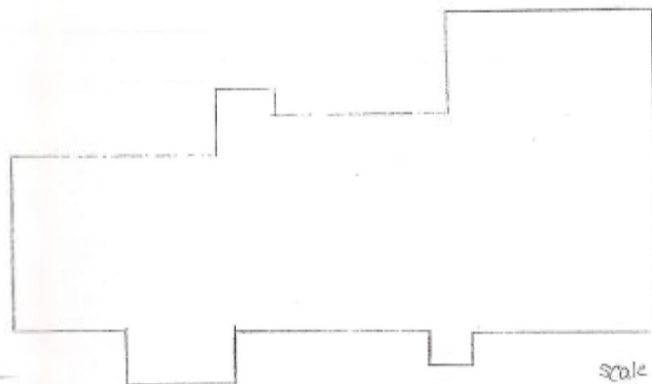
- PIPE FOUND
- PIPE SET
- ROD FOUND
- CONC. MONUMENT

I, George Brown  
HEREBY CERTIFY THAT THE  
SURVEY REPRESENTED BY THIS  
PLAT WAS MADE BY ME ON  
THIS DATE AND IS CORRECT.

JOB LOCATION # 100 N KING ST  
PLAT OF THE PROPERTY OF  
GEORGET & RAMONA L. WILSON



ONLY 30' OF LOT 10, LOT 11, LOT 12 LOT 13



scale  
1/8" = 1'-0"

H

H



off Street Parking

N. King Street





Off Street Parking

N. King Street

915 N KING STREET

Use Permit No. 14-00007  
Felita Thomas: Day Care 3  
915 N. King Street, Hampton, VA 23669

#### Conditions

1. Issuance of Permit  
The Use Permit applies only to 915 N. King Street, and is not transferable to another location.
2. Hours of Operation  
The hours of operation shall be limited to 6:00 AM until 8:00PM Sunday through Saturday.
3. Traffic  
Loading and unloading of children from vehicles shall be conducted on site and not on any public street.
4. Ledger  
The day care operator must maintain a daily ledger containing the names of children cared for which shall be available for inspection by authorized personnel of the City of Hampton without notice.
5. Certificate of Occupancy  
The day care operator must obtain a Certificate of Occupancy prior to commencing the day care operation.
6. Licensing  
The day care operator must maintain a valid license with the Virginia Department of Social Services and this Use Permit may be terminated for any violation of federal, state, or local law.
7. Capacity  
The day care center capacity shall not exceed forty-two (42) occupants, or the number listed on the capacity certificate, whichever is fewer.
8. Age  
The ages of children shall range from five (5) years to twelve (12) years of age.
9. Nullification
  - a. The Use Permit shall become null and void if the use is not established within twelve (12) months of the date of approval by City Council.
  - b. The Use Permit shall become null and void if the facility is not used for the permitted use for a period of twenty-four (24) consecutive months.
10. Revocation  
Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 20 of the zoning ordinance.

# Use Permit Application #14-00007 by Felita Thomas



915 N. King Street  
Hampton, VA 23669

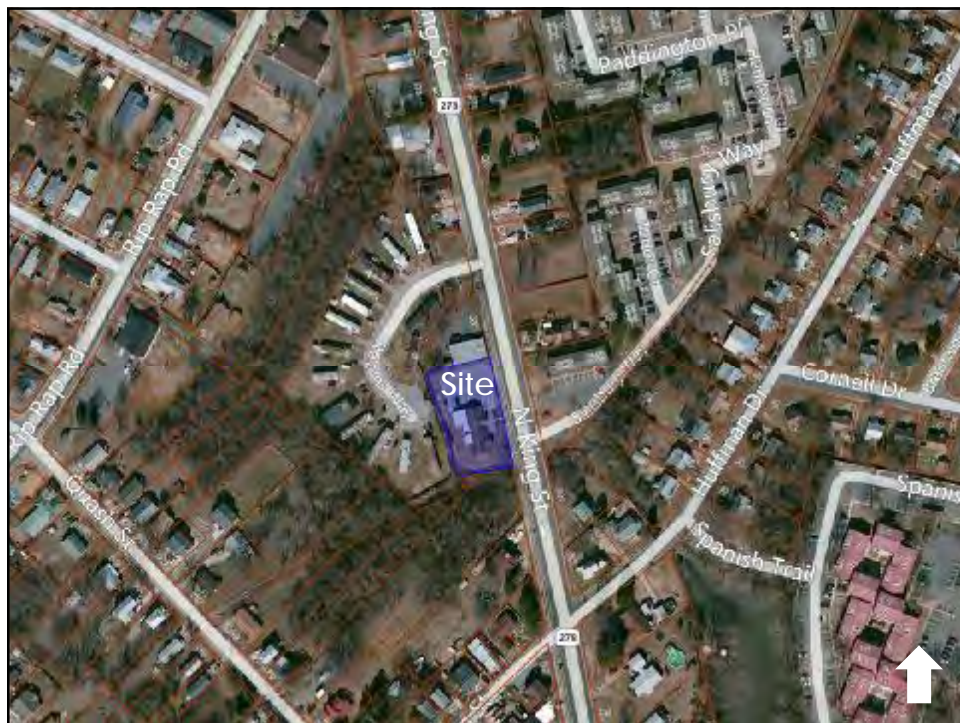
City Council  
June 11, 2014

## Application

- § Up to 42 occupants
- § Ages 5 - 12 years
- § 6:00 am – 8:00 pm

Community Development Department  
June 11, 2014

Use Permit No. 14 - 00007







## Background



Community Development Department  
June 11, 2014

Use Permit No. 14 - 00007

## Conditions

§ Hours of operation

§ Capacity

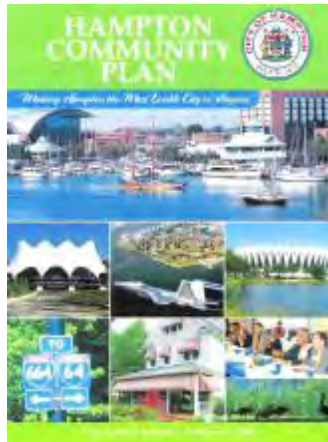
§ Traffic Circulation

§ Revocation

Community Development Department  
June 11, 2014

Use Permit No. 14 - 00007

## Public Policy



(2006, as amended)

§ Promotes nurturing youth environment

§ Promotes community facilities & services

Community Development Department  
June 11, 2014

Use Permit No. 14 - 00007

## Recommendation

Recommend Approval of  
Use Permit Application  
No. 14 – 00007  
with 10 conditions

Community Development Department  
June 11, 2014

Use Permit No. 14 - 00007

## STAFF EVALUATION

To: Planning Commission

Prepared By: Alison Alexander

728-5238

Reviewed By: Keith Cannady, AICP

728-5239

Sharon McSmith, CAP

728-5240

Case No.: Use Permit Application No. 14-00007

Date: 5/1/2014

### General Information

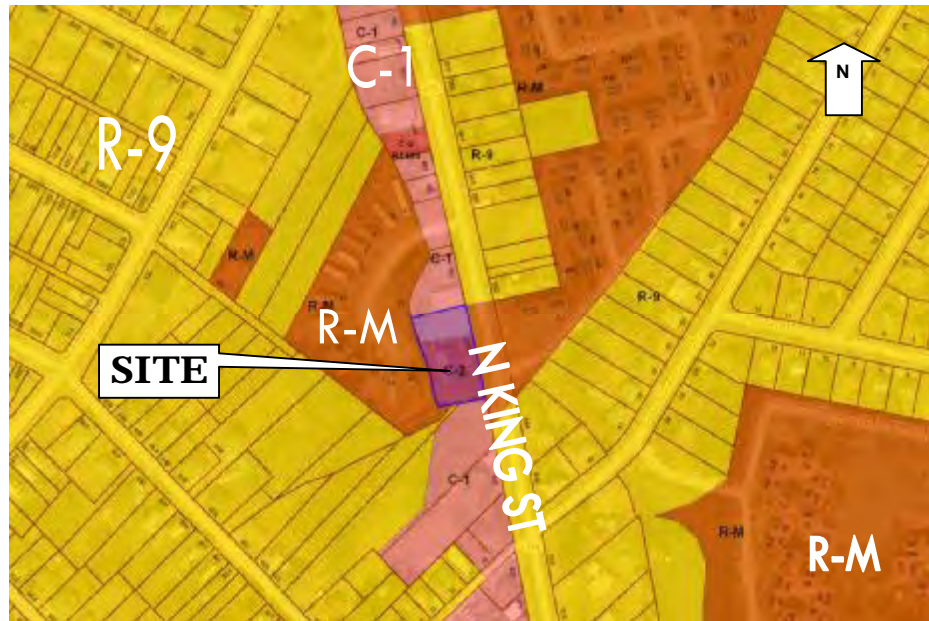
<i>Applicant</i>	Felita Thomas
<i>Owner</i>	Marcia L. & Harry E. Adair
<i>Location</i>	915 N. King Street [LRSN 8000721]



<i>Requested Action</i>	Use Permit to allow for day care services for approximately 40 children ranging from 5 to 12 years of age from 6:00AM until 6:30pm Monday through Friday and Saturdays from 2:30pm until 6:30pm.
<i>Description of Proposal</i>	The applicant proposes opening a child care center with a capacity of 40 children. After reviewing the proposal and working with the applicant, staff has determined state building code will limit the applicant to a total capacity of 42 occupants in this facility.
<i>Existing Land Use</i>	Vacant Building
<i>Zoning</i>	C-1 (Neighborhood Commercial District) & C-2 (Limited Commercial District)
<i>Surrounding Land Use and Zoning</i>	North: C-1, Neighborhood Commercial South: C-1, Neighborhood Commercial East: R-M, Multi-family Residential & R-9, Single-Family Residential

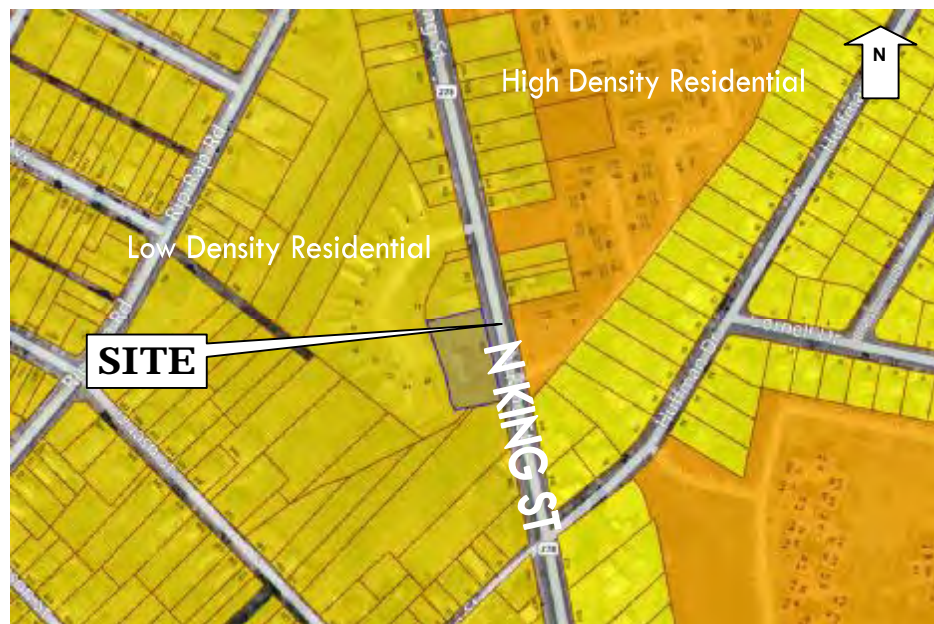


West: R-M, Multi-family Residential & R-9, Single-Family Residential



#### Public Policy

The Hampton Community Plan (2006, as amended) recommends Low Density Residential use for this property. Low Density Residential is recommended for properties to the north, west, and south. High Density Residential is recommended for properties to the east.



Land use policies related to this request are listed below:

HN 15: Continue to provide high quality community services and facilities in Hampton's neighborhoods. (Pg. HN-20)

The proposal also supports the policy document "Foundation for the Future," which is adopted by reference within the Community Plan. This policy document acknowledges the importance of early childhood education. The following goals support this policy document:

CY 2: Healthy Infants (Birth to Age 2). (Pg. VG-3)

CY 3: Healthy Young Children (Ages 2-8). (Pg.VG-3)

CY 4: Healthy Children (Ages 8-14). (Pg. VG-3)

<i>Zoning History</i>	There are no use permits associated with this address.
<i>Applicable Regulations</i>	Both C-1 and C-2 allow for a Day Care 3 subject to securing a Use Permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimize project impacts on the adjoining properties.
<i>Traffic/Parking</i>	Traffic has reviewed the proposed circulation plan and taken the surrounding traffic patterns into consideration and deemed there to be sufficient parking and adequate circulation on site to accommodate the day care use.
<i>Schools</i>	This proposal does not impact schools.
<i>Environmental</i>	There are no known environmental concerns at this site.
<i>Community Meeting</i>	The applicant has scheduled a community meeting for April 17, 2014.

## Analysis

Hampton's Zoning Ordinance allows day care facilities in both C-1, Neighborhood Commercial, and C-2, Limited Commercial, zoning districts with the approval of a use permit. The proposed facility will be operated inside an existing building at 915 N. King Street. The day care center will service children ranging from five to twelve years and will operate Monday through Friday from 6:00AM to 6:30PM and Saturday from 2:30PM until 6:30PM. The applicant has requested approximately 40 children for this day care.

The traffic circulation plan has been reviewed by staff who determined that the addition of a day care to this location should have negligible impacts on neighborhood traffic patterns.

The proposed day care facility is consistent with the Hampton Community Plan (2006 as amended), which recommends the creation of an environment that will nurture children in the community.

The proposal also underscores policy prescriptions as stated in the "Foundations for the Future," a policy document adopted by reference to the Community Plan. This document focuses on the potential benefits of early childhood education and the need to identify specific actions that will promote early childhood literacy rates within the city. Higher literacy rates among residents have the potential to improve a person's quality of life as well as the economic prosperity of the city, and ultimately increase labor productivity.

The proposed day care center would be an acceptable use and is consistent with other City approved day care centers. The proposal would meet all zoning requirements for permitting day

care centers. The project is also consistent with the land use recommendation and policies of the Community Plan for this area.

Use Permit No. 14-00007

Felita Thomas: Day Care 3

915 N. King Street, Hampton, VA 23669

#### Conditions

1. **Issuance of Permit**  
The Use Permit applies only to 915 N. King Street, and is not transferable to another location.
2. **Hours of Operation**  
The hours of operation shall be limited to 6:00 AM until 8:00PM Sunday through Saturday.
3. **Traffic**  
Loading and unloading of children from vehicles shall be conducted on site and not on any public street.
4. **Ledger**  
The applicant must maintain a daily ledger containing the names of children cared for which shall be available for inspection by authorized personnel of the City of Hampton without notice.
5. **Certificate of Occupancy**  
The applicant must obtain a Certificate of Occupancy prior to commencing the day care operation.
6. **Licensing**  
The applicant must maintain a valid license with the Virginia Department of Social Services and this Use Permit may be terminated for any violation of federal, state, or local law.
7. **Capacity**  
The day care center capacity shall not exceed forty-two (42) occupants, or the number listed on the capacity certificate, whichever is fewer.
8. **Age**  
The ages of children shall range from five (5) years to twelve (12) years of age.
9. **Nullification**
  - a. The Use Permit shall become null and void if the use is not established within twelve (12) months of the date of approval by City Council.
  - b. The Use Permit shall become null and void if the facility is not used for the permitted use for a period of twenty-four (24) consecutive months.
10. **Revocation**  
Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 20 of the zoning ordinance.

AT A PUBLIC HEARING IN A REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA, ON THURSDAY, MAY 1, 2014 AT 3:30 P.M.

**WHEREAS:** the Hampton Planning Commission has before it this day a proposal by Felita Thomas to permit a day care 3 in an existing building at 915 N. King St. (LRSN 8000721);

**WHEREAS:** the Hampton Community Plan (2006 as amended) recommends medium density residential use for this property, and the Plan recommends policies that will encourage and maintain an environment that nurtures children in the Hampton community;

**WHEREAS:** the site is currently split-zoned Neighborhood Commercial (C-1) District and Limited Commercial (C-2) District, both of which permit a day care 3 with an approved use permit;

**WHEREAS:** ten conditions are attached to address, among other things, hours of operation, traffic and circulation, capacity, and a revocation clause; and

**WHEREAS:** no one from the public spoke for or against this proposal.

**NOW, THEREFORE,** on a motion by Commissioner Gregory Williams and seconded by Commissioner Tommy Southall,

**BE IT RESOLVED** that the Hampton Planning Commission does recommend to City Council approval of Use Permit Application No. 14-00007, subject to ten (10) conditions.

A roll call vote on the motion resulted as follows:

**AYES:** Williams, Southall, Snead, Bunting, LaRue

**NAYS:** None

**ABST:** None

**ABSENT:** Campbell, McCloud

**A COPY; TESTE:**

  
Terry P. O'Neill  
Secretary to Commission





City of Hampton, VA

Agenda Review

File Number: 14-0254

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0254

Request Number: R-2014-00269

File Type: **Planning Actions - Use Permit**

Department: **Planning**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Alison Alexander, City Planner**

Phone: **728.5238**

Title: **Use Permit Application No. 14-00009: by Larry Curtis for live entertainment inside and outside Grandview Island Grill restaurant at 155 State Park Drive [LRSN 10000738].**

Action Requested: **Approve Use Permit No. 14-00009 with twelve (12) conditions.**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Presentation  
Application  
Conditions  
Opposition Letter  
Opposition Letter 2  
PC Resolution  
Staff Report

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The applicant proposes providing live entertainment at an existing restaurant located on State Park Drive in Grandview. The property is zoned Neighborhood Commercial District (C-1), which allows for live entertainment with a use permit.

The Hampton Community Plan (2006, as amended), recommends commercial in this area and policies from the plan call for nurturing small and startup businesses and expanding tourism and entertainment

opportunities within the city. The addition of live entertainment at Grandview Island Grill is consistent with these policies.

The applicant is requesting a use permit for both indoor and outdoor live entertainment. There is little precedent in regulating outdoor live entertainment located in a predominately residential setting. If this application is approved, staff recommends attaching standard live entertainment conditions tailored to the operation at this specific location. Staff recommends outdoor live entertainment be conditioned to restricted hours – Friday and Saturday from 4:00PM to 8:00PM only – in order to limit impacts on surrounding properties. Staff recommends indoor live entertainment be permitted on a more flexible basis - from 12:00PM to 10:00PM each day of the week. No additional environmental, traffic, or parking impacts are anticipated from the addition of live entertainment.

Staff's recommended conditions in addition to restricting the hours of live entertainment include conditions such as adhering to a noise limit at the property line so as to avoid negative impacts on neighboring properties and a term of permit.

Both Staff and the Planning Commission recommend approval with twelve (12) conditions.

# Use Permit Application #14-00009 by Larry Curtis



155 State Park Drive  
Hampton, VA 23664

City Council  
June 11, 2014

## Application

Permit live entertainment  
inside and/or outside a restaurant

Community Development Department  
June 11, 2014

Use Permit No. 14 - 00009

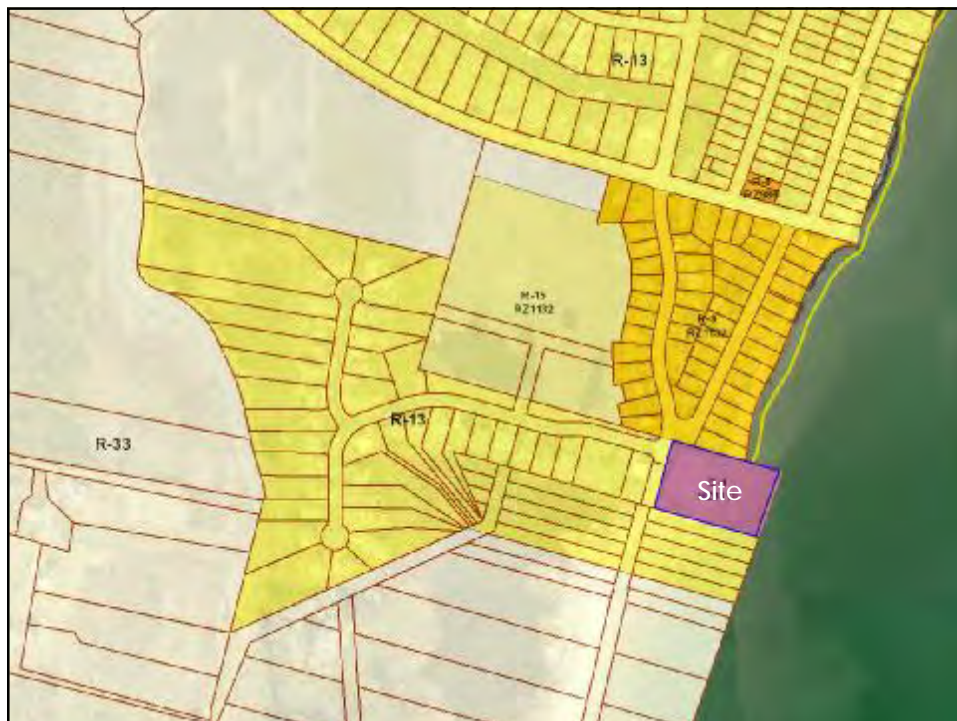


# Proposal

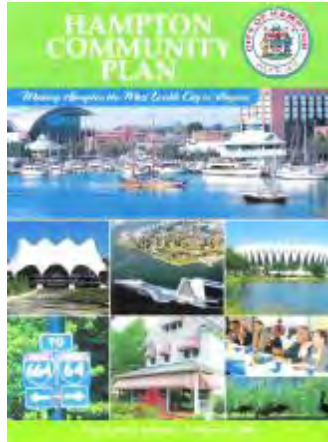


Community Development Department  
June 11, 2014

Use Permit No. 14 - 00009



## Public Policy



(2006, as amended)

§ Expand entertainment opportunities throughout Hampton

§ Nurture small and start up businesses

Community Development Department  
June 11, 2014

Use Permit No. 14 - 00009

## Conditions

§ Location

§ Hours of operation

§ Sound

§ Third Party Promoters

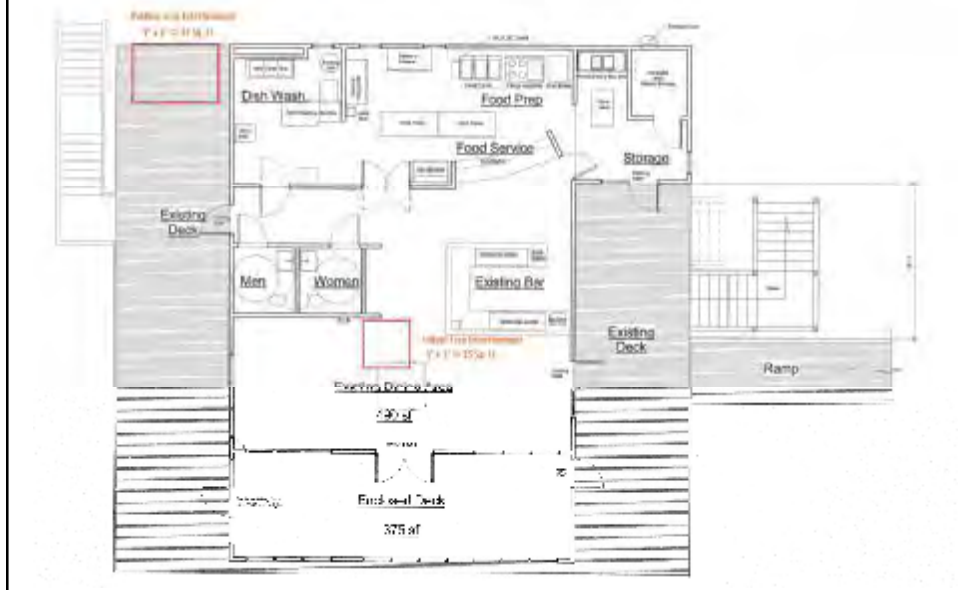
§ Term of permit

Community Development Department  
June 11, 2014

Use Permit No. 14 - 00009



## Conditions



## Recommendation

Recommend Approval of  
Use Permit Application  
No. 14 – 00009  
with 12 conditions



Application for  
**Use Permit**

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton  
Community Development Department, Planning Division  
22 Lincoln Street, 5th Floor  
Hampton, Virginia 23669

OFFICE USE ONLY  
Date Received:

**RECEIVED**

**MAR 31 2014**

**PLANNING DEPT**

Case Number UP 14-00009

**1. PROPERTY INFORMATION**

Address or Location 155 State Park Dr

LRSN 10000738 Zoning District C-1

Current Land Use RESTAURANT

Proposed Land Use RESTAURANT WITH LIVE ENTERTAINMENT

The proposed use will be in: ☒ an existing building ☐ a new addition ☐ a new building

**2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)**

Owner's Name GRANDVIEW BEACH LLC

Address 11076 Warwick Blvd City Newport News State VA Zip 23601

Phone 757 375-9128 Email drozenk@aol.com

**3. APPLICANT INFORMATION (if different from owner)**

Applicant's Name Larry Curtis

Address 122 Grandview Dr City Hampton State VA Zip 23664

Phone 757 788-8800 Email lcurtis3@cox.net

**4. APPLICANT AGENT INFORMATION (if different from applicant)**

Agent's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_



## 5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity \_\_\_\_\_

Signed by:

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_, Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, its (title) \_\_\_\_\_

Signature \_\_\_\_\_, Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_, Date \_\_\_\_\_

## 6. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed) Grantview Beach LLC Daniel A Rosinski  
Signature [Signature] Date 3-24-2014

Name (printed) Daniel A Rosinski  
Signature [Signature] Date 3-24-2014

### OFFICE USE ONLY

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Application Form | <input type="checkbox"/> Narrative Statement | <input type="checkbox"/> Supplemental Form (if required)    |
| <input type="checkbox"/> Application Fee  | <input type="checkbox"/> Survey Plat         | <input type="checkbox"/> Additional materials (if required) |



Supplemental Information for  
**Live Entertainment '2'**

Complete this supplement in its entirety and submit with the completed Use Permit application form to the address below:

City of Hampton  
Community Development Department, Planning Division  
22 Lincoln Street, 5th Floor  
Hampton, Virginia 23669

OFFICE USE ONLY  
Date Received:  
**RECEIVED**  
**MAR 31 2016**  
**PLANNING DEPT.**  
Case Number: UP \_\_\_\_\_

**1. LOT INFORMATION**

Current Number of On-site Parking Spaces 80 Proposed Number of On-site Parking Spaces 25/45

**2. BUILDING INFORMATION**

Square Footage 1254 Square Footage of Live Entertainment Area \_\_\_\_\_

☐ Please attach a floor plan of the facility with all rooms labeled as to their use and square footage and showing the location of the live entertainment area

*see attached diagram*

**3. OPERATIONAL INFORMATION**

Existing Use Restaurant Proposed Use Restaurant

Proposed Type(s) of Entertainment to be Offered 2 two persons / 4 person group acoustic music

Equipment Required for Type(s) of Entertainment to be Offered amp, mics

Seating Capacity 87 Length of Ownership of this Business 7 months

Existing Hours of Operation: Mon 11 AM / 12 Tue 11 to 12 AM Wed 11 AM to 12 AM  
Thu 11 / 12 AM Fri 11 / 12 Sat 11 to 1 Sun 11 to 12

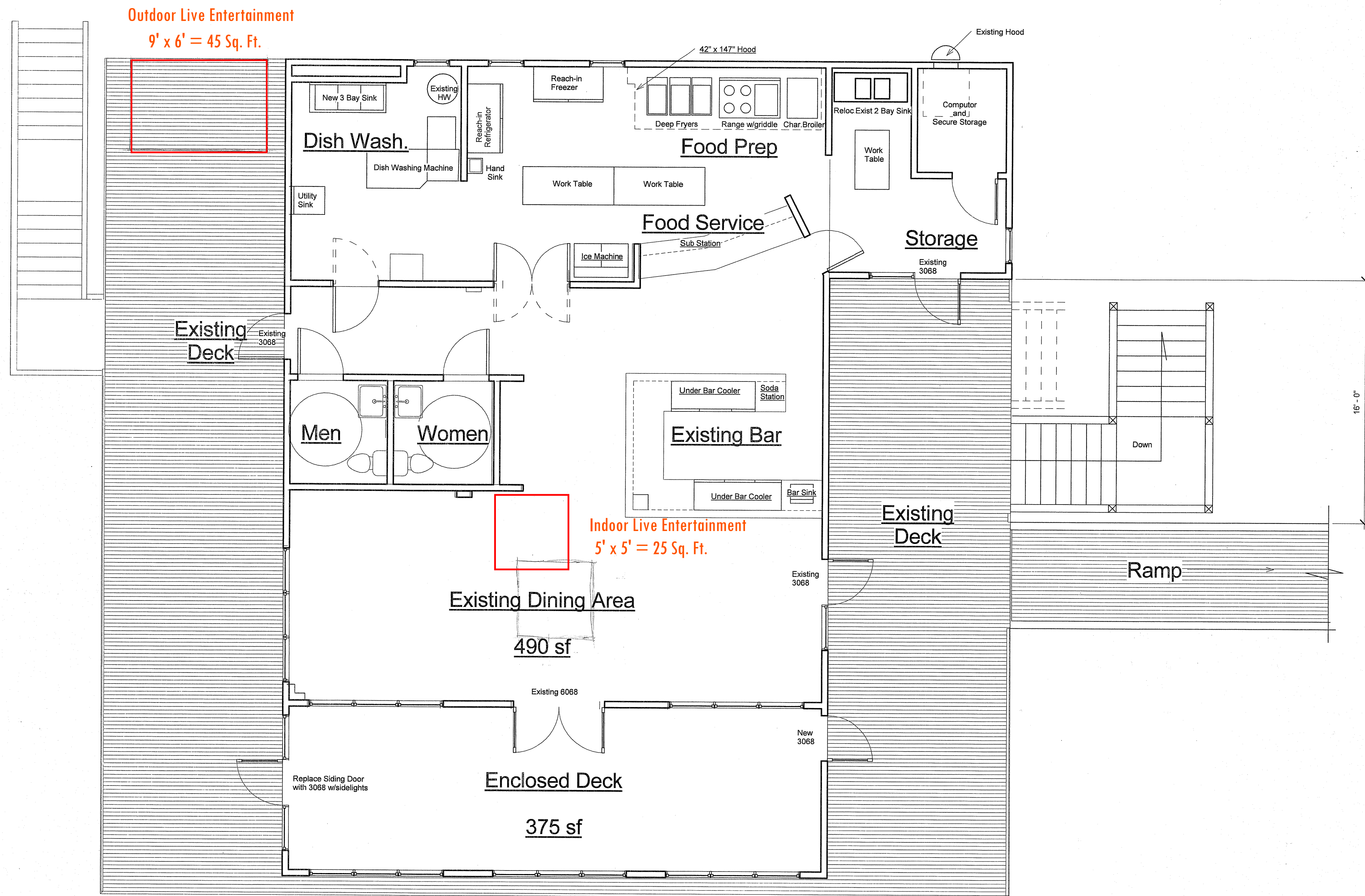
Proposed Hours of Operation: Mon \_\_\_\_\_ Tue \_\_\_\_\_ Wed \_\_\_\_\_  
Thu \_\_\_\_\_ Fri \_\_\_\_\_ Sat \_\_\_\_\_ Sun \_\_\_\_\_

*Same as above*

## NARRATIVE STATEMENT

- Square footage inside 25 sq. ft. Outside on patio 35 sq. ft.
- Number of dwelling units 1 apt up stairs
- Number of employees 15
- Operational details 11:00am until 1:00 am music/ will take place 6:00pm to 10:00 pm. Number of customer 30 to 45
- Circulation of traffic adequate
- Detail description of business. **See attached business plan**
- Description of ownership/management. **See attached business plan**





① Floor Plan - Equipment Lay-out  
1/4" = 1'-0"

**Note:**

All water supply and drains are existing for plumbing fixtures, sinks, ice-makers, and dish washing units, shown on the drawings.

Gas supplies and emergency shut off valves are existing for the units shown.

Dining Area = 490 sf + 375 sf = 865 sf

Occupancy = 865 sf / 15 sf / person = 57 persons + 10 person staff

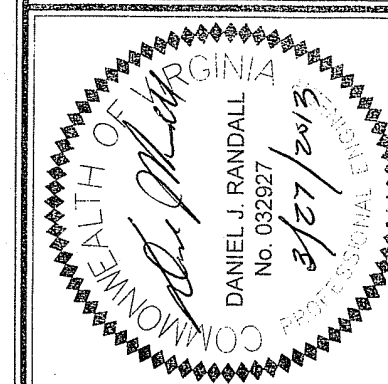
Plumbing Requirements - Section 2902 - A-2

	WC- 1/75	Lav - 1/75	Drinking Fountain
Men (required)	1	1	water served
(provided)	1	1	water served

THESE PLANS AND DESIGNS SHOWN HERE WERE PREPARED BY DANIEL J. RANDALL, P.E. AND ARE THE PROPERTY OF DANIEL J. RANDALL, P.E. NO PART OF THESE PLANS OR DESIGNS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

**Daniel J. Randall, P.E.**  
ENGINEERING CONSULTANT

2961 Cherokee Trail  
Hayes, VA. 23072  
Phone (804) 693-1600  
e-mail drandall@widomaker.com



NO.	DATE	REVISION	BY	CHK.
1	3/26/13	add 3 bay sink, relocate 2 bay sink, relocate refrigerator	DJR	
2				
3				
4				
5				
6				

Restaurant Floor Plan  
Grand View Island Grille

Dan Roynolds  
155 State Park Highway  
Hampden, Virginia

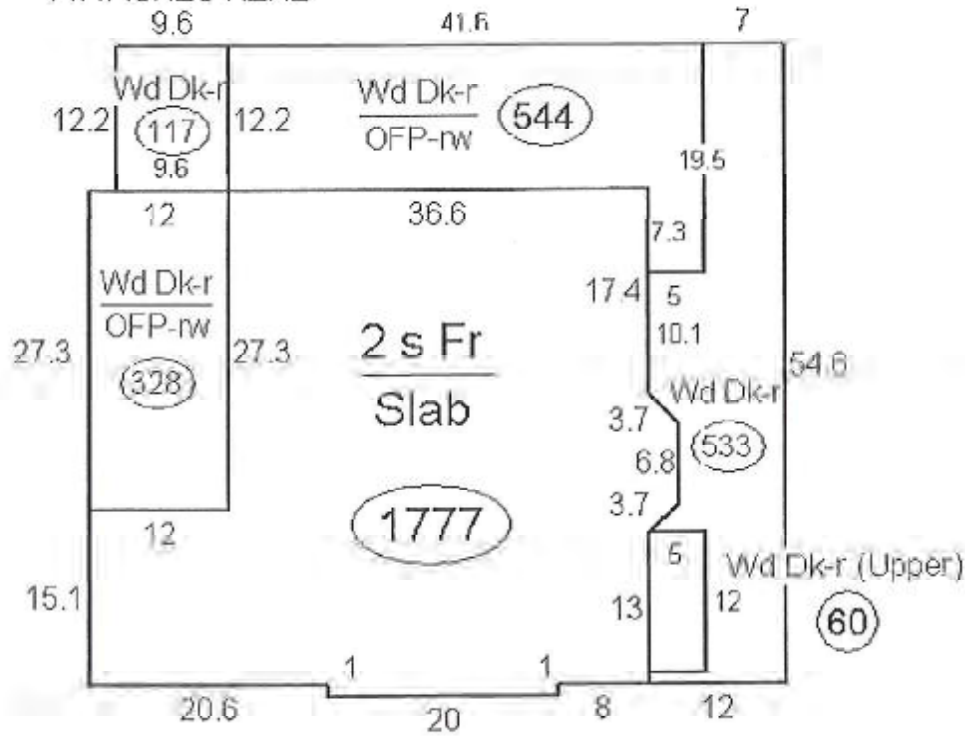
OK BY: DJR DATE: 1/31/2013  
CHK BY: DJR JOB: #12-1161B  
SCALE: 1/4" = 1'-0"  
SHEET:

**A101**



Grandview Island  
FISH TALES RESTAURANT  
/DWELLING OVER

FISHING PIER  
ATTACHES HERE



SITE PLAN # 15-00

155 STATE PARK DRIVE

# GRANDVIEW ISLAND GRILL BUSINESS PLAN

**Grandview Island Grill Mission Statement**

Grandview Island Grill (GIG) is designed to provide excellent food in a clean, comfortable, and scenic environment while promoting business success, and employment opportunities in the local community.

**Grandview Island Grill Vision Statement**

Grandview Island Grill will provide a benefit to the community by providing a great product and secure jobs to community residents. The restaurant will be an ideal destination for those visiting the City of Hampton who seek to dine and relax bay side.

**Business Description**

Grandview Island Grill is located in the City of Hampton in the Fox Hill Community on Grandview Island at 155 State Park Drive.

Larry and Jacqueline Curtis are the owners of the business. Larry will serve as the general manager, and Jacqueline will be the chief of staff and front end manager. Larry owns 51% of the business and Jacqueline 49%. Together they have 14 years of experience in the restaurant/bar business. Jacqueline has a bachelor's degree in education and Larry has masters in sociology.

GIG will operate as a Limited Liability Company doing business as L&J Curtis LLC

Grandview Island Grill is a free standing restaurant built in 2002 on 1.8 acres of land with a large parking lot which can accommodate approximately 80 vehicles.

The restaurant has had two previous owners, and has not been operational since 2007.

GIG has a prime location on Virginia's historic peninsula next to the White Sandy Marsh beach with awesome views of the Chesapeake Bay and beach from the interior and decks which surround the restaurant. Grandview Island is a designated golf cart community with 100 plus households within walking distance. White Sandy marsh beach draws on average of about 60 plus visitors per day during the off season, and 100 plus during the spring and summer. GIG is also located a quarter of a mile from the Grandview Nature Preserve a 475 acre salt marsh, with two and one half miles of beach. In 2010



Grandview Nature Preserve was featured in AirTran's Go Magazine. In the article it was mentioned that you should bring a lunch to this remote beach because it is far from any restaurants or cafes. GIG will fill this void.

GIG is a 2800 sq. ft. free standing restaurant with seating for approximately 100 diners in the dining room and adjacent room, and 20 seats on the outside open deck facing the beach. There is a full service bar in the main dining room which seats 14, and stylish leather covered booths. The décor will have a nautical theme with several flat screen television conveniently located for guest to view.

We are currently in the process of identifying a lawyer, accountant, banker, and insurance agent. The Small Business Development Center has been the primary advisor for the business plan and start up budget projections.

### **Products and Services**

GIG will offer casual dining for moderately priced seafood, comfort food, healthy foods, and pit smoked barbeque. The comfort foods will be Caribbean and southern cuisine. The addition of Caribbean and southern cuisine is one unique feature for GIG which will differentiate it from the competition.

Catering, private parties, and carry out service will also be available.

A detailed training program will be adopted for every position. Highly qualified staff filling the positions will be provided training materials and personal instruction. They will learn the GIG method of how to be a successful team in order to have a successful business. All personnel will be instructed in customer service, safety, and health laws in addition to the job functions of their respective positions. A training manual and on-going in-service training will be part of the continuous training plan. This will ensure that staff remains highly professional and adept in their respective positions.

### **Marketing PLAN**

We anticipate that GIG will appeal to a broad consumer base. We are expecting to be frequented by all types of diners from the residential, business, military, and beach traffic. The restaurant is ideally located in Foxhill on Grandview Island which has a large volume of beach and nature preserve traffic. It is a family based retirement residential community with over 100 households within walking distance. The expanding numbers of households in the key baby-boomer age group have

high disposable incomes of \$50,000 or more. Many only have limited time to cook, so they want good value, quality meals, convenience and service in a hospitable and friendly environment. GIG is posed to meet this demand in the Foxhill community and the City of Hampton.

The menu offerings, location and ambiance of GIG have been created to appeal to beach traffic, as well as the residential community of Foxhill, and the City of Hampton. The value oriented pricing should especially attract medium income diners with a predominance of family and beach traffic diners.

### **Market Characteristics**

#### **Hampton, Virginia Demographics**

Population	144,236
White	49%
Black	44%
Other races	7%
Total Households	53,283
Family Households	33,308

45 to 54 years	15% of total pop.
62 & over	14%
Civilian workforce	73,527
Armed Forces	4,891
\$50,000 to \$74,000	21%

### **Location Analysis**

#### **Foxhill Community in Hampton, Virginia**

Population	10,767
Male/Female ratio	1.02:1
Married	69%
Have children	43%
Cost of living	105/national 100



Median Family income    \$90,308

Median home value        \$267,420

GIG is located in Foxhill the highest ranking neighborhood in Hampton 81/100 followed by Langley Air Force 80/100.

GIG typical customer will be married, ages will range from 30 to 54, average income \$50,000 to \$74,000, and they will reside within 10 miles of GISG.

Customer will prefer GIG over the competition because of the quality of the food served, smoked barbequed products, and a mixture of ethnic cuisine. The location, ambiance, and the proximity to the beach are all highly appealing attractions for the customer.

### **Market Analysis & Strategy**

GIG will capitalize on the fact of 48% of all food dollars are spent in eating and drinking establishments. That figure is up dramatically since 1955 in which only 25% of all consumers spending for food and drink went to restaurants. Surveys show that 43% of adults are of the opinion that eating out is as cost effective as cooking at home and cleaning up. GIG will

capitalize on this trend by having an appealing carry-out menu which will be promoted to consumers via the internet, direct mail, and newspaper advertisements. Market research and target market evaluation suggest that GIG is ideally situated to cater to an unfulfilled market segment. Proven marketing techniques and operational systems will allow management to be proactive rather than reactive to the conditions and obstacles associated with opening a new restaurant concept.

### **Pricing**

The following are the assumptions for sales projections for GIG based on food and beverage revenue:

Average guest check which includes appetizer, entrée, and beverage is estimated to be about \$23.

Total projected revenue for 12 months \$760,000. See attached 3 years Cash Flow Budget.

### **Sources and Uses**

The total amount of funds to start the business is \$150,000. A breakdown of these funds is \$120,000 in bank financing and \$30,000 from the owners. Of this amount \$88,000 will be used for start-up costs \$33,000 for furniture and equipment, \$21,000 for inventory, \$10,000 for lease improvements, and \$10,000 for rental deposit and the first month rent, and

\$62,000 for working capital. See the attached Sources and Uses Statement for more detail.

Our costs of goods sold for both food and beverage sales will be closely monitored to help ensure profitability, and we feel our chances to be profitable will be enhanced based on our strict control of food, beverage, and employee costs. In addition, we feel that our waterfront and very desirable location will be attractive to customers. We will also rely heavily on data generated for our POS system to monitor inventory, sales, and employee productivity.

### **Market Research**

Personal interviews have been conducted using residents who live within one mile on the GIG. The overwhelming majority voiced their support and desire for the restaurant to reopen because it serves as a convenient place to dine and a place for local residents to meet.

National data compiled by IBIS World, a business research company has forecasted revenue growth in the restaurant industry to increase at an annual rate of 2.7% over the next five

years until 2017. Over the next five years consumer spending is expected to increase at an average annual rate of 3.3%.

### **Competitive Analysis (SWOT)**

The location of GIG is designed to be a destination location which will draw guests from the beach traffic, nature preserve, and the surrounding residential community. The majority of existing restaurants within a ten mile radius of GIG are the following:

Harpoon Larry's	full service	\$15- \$25
	Seafood and casual fare	
Surf Riders	full service	
	Seafood and casual fare	\$15-\$25
Read Lobster	full service	
	Seafood and casual fare	\$15-25
Olive Garden	full service casual fare	\$10-\$20
	Italian and casual fare	

All of these establishments are doing well and have been operational for the past 10 years. GIG will be unique to its



competition because of the combination of menu options such as wood/charcoal grilled products, ethnic comfort food, and seasoned seafood. There are few restaurants in the City of Hampton offering this combination of menu options in a scenic beach side location. GIG will serve fresh products prepared as they are ordered, and served hot. Our pricing strategy will range from \$10 to \$25 which is comparable to our competition.

Our operational strengths include greater use of technology and more reliance on continuous staff training designed to increase productivity, and gain higher revenues.

### **Marketing Strategy**

The success of GIG will be achieved by offering competitive prices, great food, and friendly service. GIG will employ aggressive marketing strategies to build customer traffic as well as to capitalize on the heavy beach traffic both in an out-of-season. We will constantly strive to enthusiastically win more customers by being proactive rather than reactive in our marketing efforts, and customer service. This approach will be emphasized in our first two years of business in order to generate a sizeable loyal customer base.

The following are various marketing strategies to be employed:

**Customer Database** will be aggressively built allowing guests to be included in our promotions such as birthday or anniversary cards and frequent diner program.

**Email Marketing** will be an option provided to our customers. Customer's privacy will be protected and we will not email our customers without their permission. Our email marketing strategy will include an awareness not to inundate our guests with email. Promotional content will be developed with the goal of enticement rather than quantity.

**Mailer campaign** will utilize a zip code direct mail strategy. We will work with the US Postal Service and a direct marketing company to implement this initiative.

**4 walls marketing** will be heavily promoted on a continuous basis with management identifying methods to promote the restaurant to our guests.

Other advertising strategies include social media, flyers, newspaper, radio, and word of mouth.

The annual advertising budget for GIG is \$9000. This is a fixed amount designed to promote growth by expanding our customer base, and promoting the restaurant to first time potential guest. Because we are a have a destination location it is imperative that we advertise in order to make customers

aware of our location and menu offerings. GIG's advertising cost will be tied to results.

## Management

GIG will employ from 10 to 13 employees part and full-time. Management has adopted an effective interview process designed to staff the restaurant with highly qualified staff for each position. Each applicant will be rated and evaluated according to a pre-defined set of standards adopted for each position. Background checks will be utilized for all positions. Recruiting efforts will center on referrals and the utilization of community colleges, and the culinary school.

Staffing for the restaurant is as follows:

General Manager/Kitchen manager (1)	\$40,000
Line cooks (2)	\$7-10 per hr.
Prep cooks (1)	\$6-8 per hr.
Dishwashers (2)	\$6-7 per hr.
Servers (3)	\$3 per hr.
Bartenders (2)	\$5 per hr.

A detailed training program will be adopted for every position in the restaurant. Highly qualified people filling those positions



will be provided training materials and on- going personal instruction. They will learn the GIG method of how to be a successful team in order to have a successful restaurant.

Newly hired personnel will be instructed in customer service, safety, and health laws in addition to each job functions of the respective positions. Training manuals for each position will be edited to reflect the unique requirements of the GIG. In-service training will be part of the continuous training plan. This will ensure that staff remains highly professional and adept in their respective positions.

## **Operations**

GIG will be opened 7 days per week for lunch and dinner during the spring and summer, and 6 days per week during the off season. As the business grows we anticipate moving to a 7 day per week schedule. Work schedules will be written by the general manager and posted every two weeks. The schedules will be written in a manner that allows management to increase or decrease hourly labor according to sales volume in order to maintain a consistent labor cost control. Schedules will be posted, and reviewed with staff.

The menu has been created in a manner that allows the preparation of many recipe ingredients to be done ahead of time. Proper labeling and rotation techniques,

Accompanied by ample storage facilities will ensure that high quality prepared products will be sufficiently available to meet the demand during peak hours.

Management will be responsible for ordering, receiving and maintaining sufficient inventory to meet the production/customer demands. Ordering schedules will be staggered with perishable products being ordered multiple times per week to preserve freshness. Standard grocery and supply orders will be ordered less often, according to the predetermined schedule and storage capacity.

Management will adopt the use of operational check lists to verify that each work shift has been properly prepared for and to ensure the operational standards are followed before, during and after work shifts.

The restaurant layout, including the dining room, kitchen, and serving line, has been designed for efficiency and flexibility to accommodate the fluctuation in customer traffic and peak meal periods. Sections of the restaurant can be closed off depending on customer traffic.

The primary server, upon the clearing of all competed dishes, will request dessert or after dinner drink orders. Orders will be processed accordingly and within the acceptable time parameters. The server will monitor the table to determine the proper time to present the guest check. The customer will be given a few moments to review and prepare payment to the server. The server will make change or process credit cards as required and return the authorized card voucher to the guest.

### **Critical Risk and Problems**

Low customer turn out will increase the need for more marketing in order to let potential customers know about GISG and the menu offerings. We will offer special pricing on specific days and various time frames to attract customer.

Delivery mishaps will be resolved by purchasing directly from local vendors.



# Surf, Sand & Serenity

FOR A DAY OF RELAXATION, HEAD TO THESE LOW-KEY BEACHES ON THE VIRGINIA PENINSULA.

BY JESSICA CARLSON



## GRANDVIEW NATURE PRESERVE

**LOCATION:** On the Chesapeake Bay in Hampton

**OVERVIEW:** This secluded, natural beach features 175 acres of salt marsh and tidal creeks, along with a two-and-a-half mile stretch of sand that is all but deserted. You'll have to park on the street at the entrance and walk about a quarter of a mile to reach the shoreline, but having a piece of Chesapeake Bay beach all

to yourself is well worth the extra effort.

**BEST FOR:** Nature lovers; birdwatchers; active explorers

**NOTEWORTHY FACT:** Hike two miles from the park entrance and you'll find the ruins of the Back River Lighthouse, which was built in 1829 and destroyed by a hurricane in the 1950s.

**STAY FOR LUNCH:** This remote beach is far from any restaurants or cafés. Pack a picnic and take pleasure in the solitude.

**DON'T MISS:** Shell hunting along the shore. This long strip of sand boasts a wide variety of bay treasures.

**INSIDER'S TIP:** Extending out into the Chesapeake Bay, the beach at Grandview has a

constant breeze, making it an ideal spot for kite flying.

**BEYOND THE BEACH:** Head inland on one of the park's narrow hiking trails, zigzagging through tall reeds, dune grass and salt marsh.

**FIND IT:** State Park Drive, Hampton; 757-850-5134; [hampton.gov/parks](http://hampton.gov/parks)

### YORKTOWN BEACH

**LOCATION:** On the York River, in Yorktown's Riverwalk Landing area

**OVERVIEW:** Crescents of white sand, a mile-long walking path and docks are found at this two-acre beach.

**BEST FOR:** Active beachgoers; shopping enthusiasts

**NOTEWORTHY FACT:** Just up the road is the battlefield where British soldiers surrendered to American and French forces during the Revolutionary War.

**INSIDER'S TIP:** At the weekly Saturday Yorktown Market Days, you can buy Virginia peanuts, locally grown fruit and other beach snacks.

**STAY FOR LUNCH:** Choose upscale waterfront dining at Riverwalk Restaurant or enjoy a casual alfresco meal at the attached Rivah Café (757-875-1522; riverwalkrestaurant.net).

**DON'T MISS:** Music and dancing at the "Shagging on the Riverwalk" beach music series, held most Fridays through Aug. 6.

**BEYOND THE BEACH:** Hop on the tall ship Schooner Alliance (757-639-1233; schooneralliance.com) for a sunset sail down the York River.

**FIND IT:** Yorktown Riverwalk Landing, Water St., Yorktown; 757-850-3500; riverwalklanding.com

### BUCKROE BEACH

**LOCATION:** On the Chesapeake Bay in Hampton

**OVERVIEW:** The eight-acre Buckroe Beach has free parking and all of the beach necessities: two fishing piers, biking and walking paths, picnic areas, a playground and beach gear rentals.

**BEST FOR:** Families with young children; budding anglers

**NOTEWORTHY FACT:** Buckroe is one of the oldest recreational areas in the commonwealth and was once the site of an amusement park.

**STAY FOR LUNCH:** Only a few minutes from the beach, Waters Edge Bar & Grill at Salt Ponds Marina (757-864-0336; saltpondsmarinare.com) has a popular cabana bar and a great view of the water.

**DON'T MISS:** Dancing under the stars at the Sunday night "Groovin' by the Bay" concerts (from mid-June to mid-August).

**INSIDER'S TIP:** For a quieter day and less foot traffic, stake out a piece of sand on Buckroe's northern edge, right before the private, residential beach begins.

**BEYOND THE BEACH:** Get a massage or charter a fishing boat at Salt Ponds Marina (757-850-4300).

**FIND IT:** N First St., Hampton; 757-850-5134; hampton.gov/parks



### HUNTINGTON PARK

**LOCATION:** On the James River in Newport News, right beside the James River Bridge

**OVERVIEW:** A small strip of sand framed by tall pine trees, the 60-acre beach at Huntington Park offers a rose garden, tennis center, lake, children's playground, fishing piers, war memorials and the Virginia War Museum.

**BEST FOR:** Families; history buffs

**NOTEWORTHY FACT:** The James River Bridge Fishing Pier adjacent to the park is one of the longest fishing piers on the East Coast.

**STAY FOR LUNCH:** Stop by The Crab Shack Seafood Restaurant (757-245-2722; crabshackonthejames.com) at the base of the James River pier for the house specialty: soft-shell crab.

**DON'T MISS:** A stroll through the rose garden, which features more than 1,000 rose bushes in dozens of varieties and colors.

**INSIDER'S TIP:** The best view of the James River is from the top of a wooden tower in Fort Fun, the park's 15,000-square-foot playground.

**BEYOND THE BEACH:** The Virginia War Museum is home to the Visions Of War collection of war propaganda posters from throughout US history.

**FIND IT:** Riverpark Dr at Mercury Blvd., Newport News; 757-886-7912; nnparks.com/parks\_huntington.php







The Flounder Fish Basket at Grandview Island Grill in Hampton stands out on a lunch menu that includes sandwiches of flounder, cod, shrimp crab cakes and oyster po' boys.

DAVID NICHOLSON/  
DAILY PRESS  
PHOTO

## Grandview Island Grill serves fine fish, great view

**Tasty discovery: Flounder Fish Basket**

**Price: \$8.99**

**Destination: Grandview Island Grill, 155**

**Food Finds** State Park Drive, Hampton, 757-788-8800.

**Hours: 11 a.m. to 11 p.m. daily.**

It's a little off the beaten path, but once you arrive at the Grandview Island Grill, you'll be glad you made the trek.

Located at the end of the road in this sleepy waterfront section of Hampton, the grill sits up high with stunning views of the shoreline and Chesapeake Bay.

Inside the front door is a small bar to the right that leads into a cozy room with curved banquettes. A front-porch-like room offers terrific water views from every table. In the summer or on a warm winter day, enjoy the large deck and picnic tables by the beach.

The sandwich lineup at lunch includes flounder or cod and crab cake as well as shrimp and oyster po' boys. Non-seafooders can choose chicken, pulled pork or brisket and burgers. There are seafood platters that come fried, broiled or blackened and lots of tasty sides.

Lunch began with delicious hush puppies, crispy on the outside and moist and light on the inside. My Flounder Fish Basket came with two pieces of fried flounder with coleslaw and a side (collards was my choice). The meal was excellent, with flounder that was fresh and lightly breaded, creamy slaw and a flavorful serving of greens.

The owners and staff are friendly and quick to check on the quality of your meal. The drive is a long one, but what a place to linger over a meal.

—David Nicholson

To view Food Find videos, go to [dailypress.com](http://dailypress.com).

Continued from 1

standouts were Still Work Eclectic Tapas and Stove Restaurant in Portsmouth; Harper's Table in Suffolk; Virginia Beach places: Ter Salacia Prime Seafood and Restaurant, Swan Terrace Restaurant and Coastal Grill. Other Peninsula restaurants cited for awards included Seafood, Le Yaca French Restaurant, The Trellis Restaurant, Waypoint Sea Grill, Baker's Crust, Circa 1 Kitchen + Bar, County Grill Smokehouse, DoG Street I Dudley's Bistro, Ichiban, N Indian Cuisine, Opus 9 Steakhouse, Riverwalk Restaurant, Schlesinger's, of Williamsburg and Williamsburg Lodge.

### Restaurant bites

**Bonefish Grill** has redecorated its Sunday brunch menu. New menu items include Surf and Turf featuring grilled Filet Mignon and lobster, Hot Benedictos with corn tortilla and chorizo, and Spinach and Mushroom Eggs Benedict. New dishes include "American Style" Kobe Beef and Egg Benedict, Cajun Shrimp Omelet, Grouper Omelet and Organic Grain Oatmeal.

Brunch hours are 11 a.m. to 2 p.m. Sundays.

**Bonefish Grill**, 340 Oyst Point Road, Newport News 757-269-0002; 5212 Montic Ave., Williamsburg 757-229-7777. [www.bonefishgrill.com](http://www.bonefishgrill.com).

**Panera Bread** has rolled

## Gifted with a slow cooker?

Slow cooker under the tree this Christmas? Maybe so, given that more slow cookers are sold during the two weeks around the so-called Black Friday start of holiday shopping than any other kitchen electrical appliance, according to figures from NPD Group, a consumer research company.

Now it's 2014. What are you going to do with the thing? Slow cookers can offer a delicious freedom with their promise of no-hands, easy cooking. But you need to know how to use them, as

the cooking method has its advantages and disadvantages.

"The tool is not designed for maximum subtlety," says Mark Scarbrough, co-author with Bruce Weinstein of "The Great American Slow Cooker Book" (Clarkson Potter, \$25). "It is much more designed for hearty complex braises and soups and stews. You can bake in it, but you can't expect high-end results."

"You can't fry in it," adds the Colebrook, Conn., resident. "But you can make a really crazy-good olive oil poached salmon or a

chicken confit. The oil is kept at a perfect low temperature."

Beyond reading the appliance's manual, or turning to the increasing number of slow cooker cookbooks, here are some tips from Scarbrough and his book:

Make sure the recipe amount fits the slow cooker, which should be half to two-thirds full for best results. (As slow cookers come in various sizes, the authors scale each recipe to fit three sizes: 2- to 3 1/2-quart; 4- to 5 1/2-quart; 6- to 8-quart.)

Watch the alcohol to avoid a

"raw booze taste." This is hardly crucial if you are trying a recipe used on the stove. Use broth or water and less alcohol than you would on the stove, Scarbrough says.

Make sure the meats and vegetables aren't chopped too small. "They melt, lose texture and



**Use Permit Application No. 14-00009**  
**Grandview Island Grill: Live Entertainment II**  
**155 State Park Drive, Hampton, VA 23664**

**1. Issuance of Permit**

The Use Permit applies only to 155 State Park Drive and is not transferable to another location.

**2. Location of Live Entertainment**

Live Entertainment may be conducted inside and/or outside the building. The performance area shall be limited to the areas on the attached floor plan identified as "Outdoor Live Entertainment" and "Indoor Live Entertainment," attached hereto as Exhibit A. The set up and use of any equipment shall not interfere with required clear space for safe exit in the case of emergency, per the Uniform Statewide Building Code and/or the Statewide Fire Prevention Code.

**3. Hours of Operation**

The hours of operation for live entertainment shall be limited to the following:

Indoor:

- Sunday - Saturday 12:00 PM to 10:00 PM

Outdoor:

- Friday - Saturday 4:00 PM to 8:00 PM

**4. Capacity**

During the time that live entertainment is being provided, patronage and staff shall be limited to 134 persons, or the maximum capacity as determined by a City building official, whichever is fewer.

**5. Sound**

Live entertainment located at 155 State Park Drive shall comply with City Code section 22-9 with respect to any sound or noise.

**6. Staffing**

Sufficient staff shall be provided to monitor patron behavior upon their exit of the building into the surrounding areas.

**7. Licensing and Compliance with all Laws**

When required by law, the restaurant must maintain a valid license from the Virginia Department of Alcoholic Beverage Control (VABC) and comply with all restrictions or requirements imposed by VABC. In addition, this Use Permit may be terminated for

any violation of federal, state, or local law.

#### **8. Dancing**

The property owner shall comply with section 4-16 of the Hampton City Code with respect to dancing on the premises and dance floor area.

#### **9. Third Party Promoters**

Neither the facility nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event at the facility.

#### **10. Revocation**

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 20 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

#### **11. Nullification**

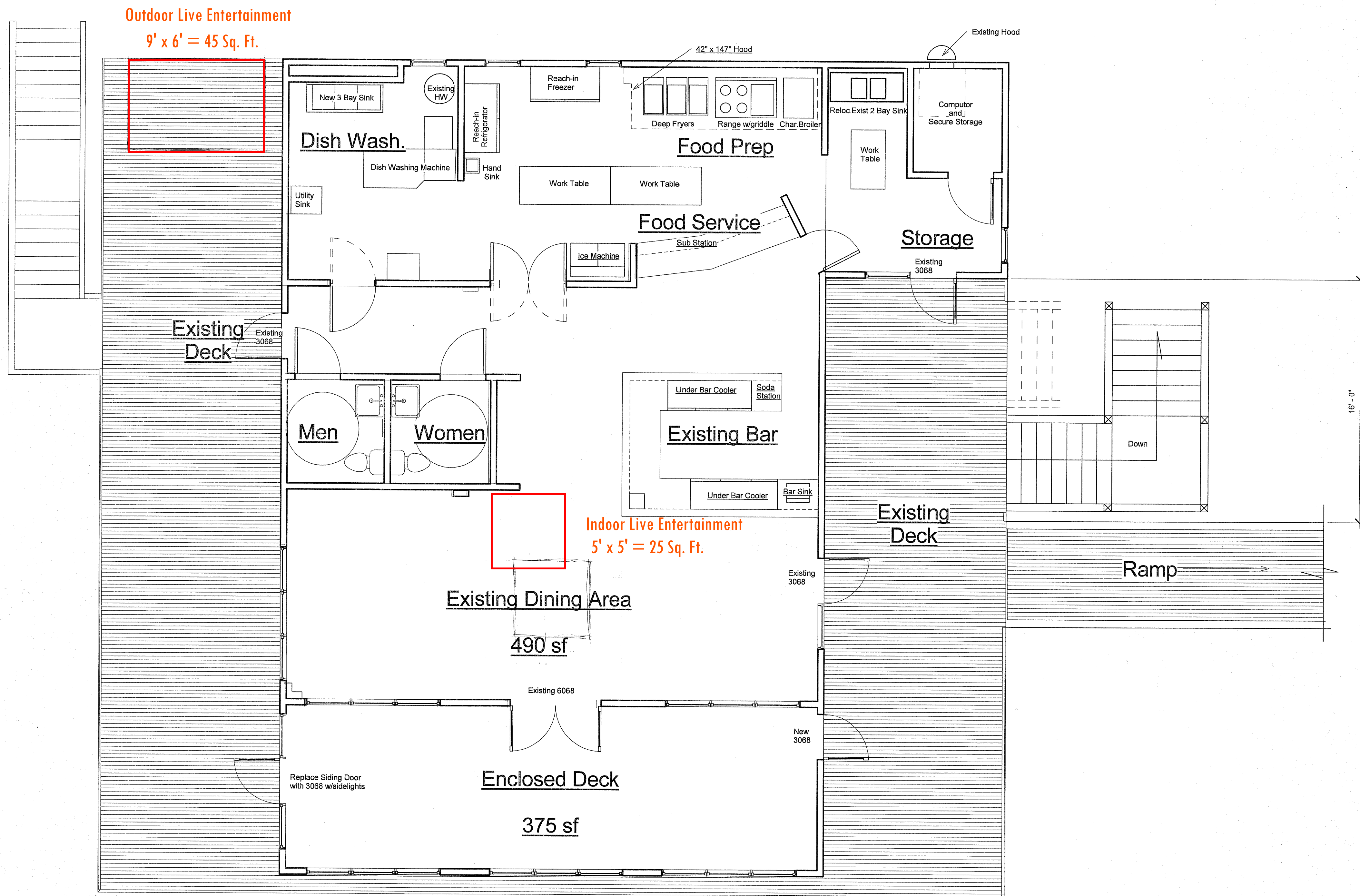
- a. The Use Permit shall become null and void if the use is not established within twelve months of the date of approval by the City Council.
- b. The Use Permit shall become null and void if the facility is not used for the permitted use for a period of two years.

#### **12. Term of Permit**

The Use Permit shall be valid for 18 months from the date of approval by the Hampton City Council. After 12 months of operation, prior to the expiration date, the Use Permit will be scheduled for review by the Director of Community Development (the "Director") to consider if the continuation of the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hour and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state, or local law. If after review, the Director determines that the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director may administratively extend the Use Permit in five (5) year increments. Each such extension shall be subject to the same administrative review. If the Director determines that the Use Permit would be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would cause

public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director will notify the Permittee of a denial of the extension in writing. The denial of an extension of the Use Permit will not require the removal of any structure or structures constructed or installed for the live entertainment area(s). A Permittee aggrieved by the decision of the Director may, upon written request within 30 days of the decision, have the matter reviewed by the Planning Commission and the City Council. Nothing contained herein shall limit the rights of a Permittee to seek a new Use Permit.





1 Floor Plan - Equipment Lay-out  
1/4" = 1'-0"

Note:

All water supply and drains are existing for plumbing fixtures, sinks, ice-makers, and dish washing units, shown on the drawings.  
Gas supplies and emergency shut off valves are existing for the units shown.

Dining Area = 490 sf + 375 sf = 865 sf

Occupancy = 865 sf / 15 sf / person = 57 persons + 10 person staff

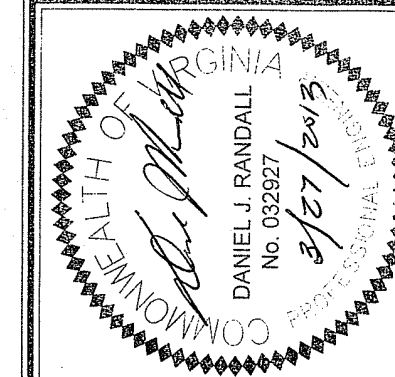
Plumbing Requirements - Section 2902 - A-2

	WC- 1/75	Lav - 1/75	Drinking Fountain
Men (required)	1	1	water served
(provided)	1	1	water served

THESE PLANS AND DESIGNS SHOWN HERE WERE PREPARED BY DANIEL J. RANDALL, P.E. AND ARE THE PROPERTY OF DANIEL J. RANDALL, P.E. NO PART OF THESE PLANS OR DESIGNS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

*Daniel J. Randall, P.E.*  
ENGINEERING CONSULTANT

2961 Cherokee Trail  
Hayes, VA. 23072  
Phone (804) 693-1600  
e-mail drandall@widomaker.com



NO.	DATE	REVISION	BY	CHK.
1	3/26/13	add 3 bay sink, relocate 2 bay sink, relocate Refrigerator	DJR	
2				
3				
4				
5				
6				

Restaurant Floor Plan  
Grand View Island Grille

Dan Roynolds  
155 State Park Highway  
Hampden, Virginia

OK BY: DJR	DATE: 1/31/2013
CHK BY: DJR	JOB: #12-1161B
SCALE: 1/4" = 1'-0"	
SHEET:	

A101



I am writing to object to the proposed Use Permit No. 14-00009 by Larry Curtis to play live music inside and outside of his restaurant which is located in a very quiet residential area on Grandview Island, State Park Drive.

The restaurant has recently opened and we have noticed an increase in noise and traffic, along with loud music that can already be heard playing on the outside speakers. This is very disturbing when we are attempting to enjoy the peace and quiet of the area on our deck, in our home and in our yard. This past weekend there was a live music event which I could hear while standing in my kitchen.

We are beach owners and while on the beach the music can be heard drifting down the water. I would much prefer the sound of birds and waves to rock and roll. Their business plan states that "the restaurant will be an ideal destination for those visiting the City of Hampton who seek to dine and relax bay side". I am afraid that there will be no relaxing for those homes in the adjacent area if this proposal is passed.

The plan outlines where the outside band will play. This area is completely open with no attempt to shield the neighborhood from the noise. As we are on a beach the wind and water will carry sound extremely efficiently and the lack of forethought on Mr. Curtis's part demonstrates his disregard for his fellow home owners and their right to a peaceful life in their own home without inconvenience, disturbance and annoyance.

We bought our home here because of the quiet location and the access to a quiet and unspoiled beach. I work shifts and weekends and the playing of music up to midnight coupled with the exiting traffic speeding past my home will be very detrimental to my quality of life.

I implore you to please deny the application of music and in the very least allow only music inside the restaurant and not piped to the outside speakers.

Very Respectfully,

A concerned Grandview Islander



## Alexander, Alison

---

**From:** Kathleen <kgplucinski@netscape.net>  
**Sent:** Tuesday, April 29, 2014 7:35 PM  
**To:** Alexander, Alison; Carlton Campbell; Southall, Tommy; Snead, Chris; Gregory Williams; Bunting, Mary  
**Cc:** Sebastian Plucinski  
**Subject:** Use Permit Application No. 14-00009: Live entertainment @ Grandview Island Grille

Planning Commission Members and Staff,

My husband and I currently live at 116 State Park Drive, are building a house at 42 Riley's Way and own several lots in White Marsh. We have and are making substantial investment in Grandview because of the quiet community and natural surrounding.

We are opposed to this permit for live entertained since it will be a disturbance to the community. It has already become a nuisance when they play music on their outdoor speakers. We can hear it from our current home, the one we are building and on the White Marsh beach.

Kathleen Plucinski

**AT A PUBLIC HEARING IN A REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA, ON THURSDAY, MAY 1, 2013 AT 3:30 P.M.**

**WHEREAS:** the Hampton Planning Commission has before it this day a use permit application by Larry Curtis to permit live entertainment both inside and outside Grandview Island Grill restaurant at 155 State Park Dr. (LRSN 10000738);

**WHEREAS:** the Hampton Community Plan (2006, as amended) calls for the expansion of entertainment and cultural opportunities within the city and nurturing small and start-up businesses;

**WHEREAS:** the site is currently zoned Neighborhood Commercial (C-1) District, which permits live entertainment with an approved use permit;

**WHEREAS:** twelve conditions are attached to address, among other things, the location of live entertainment, hours of operation, sound, capacity, safety, revocation, and term of permit review; and

**WHEREAS:** one member of the public spoke in favor of this proposal.

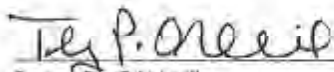
**NOW, THEREFORE,** on a motion by Commissioner Tommy Southall and seconded by Commissioner Gregory Williams,

**BE IT RESOLVED** that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 14-00009, subject to twelve (12) conditions.

A roll call vote on the motion resulted as follows:

<b>AYES:</b>	Williams, Southall, Snead, Bunting, LaRue
<b>NAYS:</b>	None
<b>ABST:</b>	McCloud
<b>ABSENT:</b>	Campbell

**A COPY; TESTE:**

  
Terry P. O'Neill  
Secretary to Commission

# STAFF EVALUATION

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To: Planning Commission

Prepared By: Alison Alexander

728-5238

Reviewed By: Keith Cannady, AICP

728-5239

Reviewed By: Sharon McSmith, CAP

728-5240

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Case No.: Use Permit No. 14-00009

Date: May 1, 2014

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## General Information

*Applicant*

Larry Curtis

*Location*

155 State Park Drive (LSRN 10000738)

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*Requested Use*

Use Permit to allow for indoor and outdoor live entertainment 2 at an existing restaurant with a capacity greater than fifty (50) people.

*Description of Proposal*

The applicant is proposing to provide live entertainment both inside and outside the restaurant. Live entertainment will be individual musicians and small performing groups.

*Existing Land Use*

Restaurant

*Zoning*

C-1 (Neighborhood Commercial District)

*Surrounding Zoning and Land Use*

North: R-9, Single-Family Residential

South: R-13 & R-33, Vacant Land, beach, wetlands

East: Chesapeake Bay

West: R-13, Single-Family Residential

---



### Zoning History

In 1990, this property was the subject of Rezoning Application No. 971 to rezone from One-Family Residence District (R-13) to Neighborhood Commercial District (C-1). In 1999, the conditions were amended as part of Rezoning Application No. 1110 to allow some accessory uses to Grandview Pier to be in a new building to the west of the pier, which could include a restaurant/snack bar.

In 2005, Bayview Raw Bar & Grille applied for a Conditional Privilege for Live Entertainment – Conditional Privilege Application No. 82 – for live entertainment Friday through Sunday. Friday and Saturday from 7:00pm to 10:00pm and Sunday from 3:00pm to 8:00pm. Due to the length of time since the use permit was utilized it has expired, and it is now necessary for the current restaurant operator of Grandview Island Grill, Larry Curtis, to return for a new use permit.

---

*Public Policy*

The Hampton Community Plan (2006, as amended) recommends commercial use for the subject property.



Broadly, The Plan establishes a vision "To Make Hampton the Most Livable City in Virginia". A primary goal furthering the attainment of this vision is that Hampton will be a unique regional retail and entertainment destination.

Relevant policies related to this goal include:

LU-7: Safeguard the integrity of existing residential neighborhoods. (pg. LU-17)

ED-4: Nurture small and start-up businesses. (pg. ED-23)

ED-6: Expand tourism, entertainment, and cultural opportunities within the city. (pg. ED-23)

ED-8: Promote Hampton as a retail destination for travelers and as the first retail choice for residents. (pg. ED-23)

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*Applicable Regulations*

C-1 allows live entertainment subject to securing a Use Permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing project impacts on the adjoining properties.

---

*Traffic/Parking*

As this request does not increase capacity at the restaurant, this use is not anticipated to increase traffic on adjacent streets. Parking needs are satisfactorily met through on-site parking and public parking facilities in the nearby vicinity.

*Environmental*

No physical changes to the building are proposed. Therefore, newly created environmental impacts are not anticipated.

*Community Meeting*

A community meeting is scheduled for April 14, 2014.

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## Analysis

For seven months, Grandview Island Grill has been operating at 155 State Park Drive. At this time, the applicant wishes to provide live entertainment for his patrons in the form of two to four person acoustic music groups. The City of Hampton's Zoning Ordinance allows for live entertainment in the Neighborhood Commercial District (C-1) with a use permit.

This property was previously the subject of a conditional privilege application for live entertainment in 2005; however, due to inactivity the permit is now void, and it is necessary for the current restaurant operator of Grandview Island Grill, Larry Curtis, to seek a new use permit.

The Hampton Community Plan (2006, as amended) calls for nurturing small and startup businesses, expanding tourism and entertainment opportunities within the city, and promoting Hampton as a destination for travelers. The addition of live entertainment at Grandview Island Grill, an independently run restaurant, is consistent with the policies and goals of the plan.

In relation to the addition of live entertainment, no physical changes to the building are proposed, nor will there be an increase in capacity. Therefore, additional environmental or traffic impacts are not anticipated. Parking needs are satisfactorily met through on-site parking.

The applicant is requesting a use permit for both indoor and outdoor live entertainment. There is little precedent for outdoor live entertainment elsewhere in the city, especially located in a predominately residential setting. If this application is approved, staff recommends attaching standard live entertainment conditions tailored to the operation at this specific location. Staff recommends outdoor live entertainment be conditioned to more restricted hours – Friday and Saturday from 4:00PM to 8:00PM only – in order to limit impacts on surrounding properties. Staff recommends indoor live entertainment be permitted on a more flexible basis - from 12:00PM to 10:00PM each day of the week. These proposed hours are more limited than several recently approved conditional privileges/use permits permitting live entertainment due to the close proximity to residential development. (See Table 1 below.) While the applicant defines the type of live entertainment Grandview Island Grill intends to provide, because of conditions restricting noise and the square footage that can be devoted to live entertainment, and hours of operation, staff does not recommend restricting the type of live entertainment permitted to a greater degree than defined in Section 2.1 of the City's Zoning Ordinance.

Additionally, per the City of Hampton's standard practice, staff has included the "Term of Permit" condition, which requires a review of the operation one year



after approval to ensure the live entertainment operation is not generating negative impacts on the surrounding area.

Table 1: Recently Considered Applications for Live Entertainment						
Establishment	Adjacent to Single Family	Adjacent to Multi Family	Hours of Live Entertainment	Capacity	Decision	Indoor/ Outdoor
Grandview Island Grill	Yes	No	Indoor: 12:00PM - 10:00PM Sun – Sat  Outdoor: 4:00PM - 8:00PM Fri & Sat	134		Indoor/ Outdoor
The Point (UP 1091-2013)	No	No	12:00AM Sun-Thurs  2:00AM Friday - Sat	80	Approved	Indoor
Applebee's (CP 139-2013)	No	No	12:00AM Sun. – Thurs.  1:00AM Fri.- Sat.	165	Approved	Indoor
An Event to Remember (CP 136-2013)	No	No	11:00PM Sun.- Thurs.  12:00AM Fri. - 1:00 AM Sat.	189	Approved	Indoor
The Turtle (CP 130-2012)	Yes	No	12:00AM Sun.-Thurs.  1:00AM Fri.-Sat.	105	Approved	Indoor
Bar Louie (CP-129-2012)	No	Yes	11:00 PM Sun.- Tues.  2:00 AM Wed.- Sat.	248	Approved	Indoor
The Jewish Mother (CP 128-2012)	No	No	12:00AM weekdays  2:00AM weekends	80	Approved	Indoor
Mirro'z (CP 120-2011)	Yes	No	11:00 PM weekdays  1:00 AM weekends	240	Approved	Indoor
Terra (CP 116-2011)	No	Yes	11PM Sun.-Tues.	160	Approved	Indoor/ Outdoor



## USE PERMIT NO. 14-00009

## STAFF EVALUATION

2320 McMenamin Street			2:00AM Wed.-Sat.			
Queens Way Soul Café (CP 112)	No	Yes	12:00 AM weekdays  2:00 AM weekends	148	Approved	Indoor

Use Permit Application No. 14-00009  
Grandview Island Grill: Live Entertainment II  
155 State Park Drive, Hampton, VA 23664

### 1. Issuance of Permit

The Use Permit applies only to 155 State Park Drive and is not transferable to another location.

### 2. Location of Live Entertainment

Live Entertainment may be conducted inside and/or outside the building. The performance area shall be limited to the areas on the attached floor plan identified as "Outdoor Live Entertainment" and "Indoor Live Entertainment," attached hereto as Exhibit A. The set up and use of any equipment shall not interfere with required clear space for safe exit in the case of emergency, per the Uniform Statewide Building Code and/or the Statewide Fire Prevention Code.

### 3. Hours of Operation

The hours of operation for live entertainment shall be limited to the following:

Indoor:

§ Sunday - Saturday 12:00 PM to 10:00 PM

Outdoor:

§ Friday - Saturday 4:00 PM to 8:00 PM

### 4. Capacity

During the time that live entertainment is being provided, patronage and staff shall be limited to 134 persons, or the maximum capacity as determined by a City building official, whichever is fewer.

### 5. Sound

Live entertainment located at 155 State Park Drive shall comply with City Code section 22-9 with respect to any sound or noise.

### 6. Staffing

Sufficient staff shall be provided to monitor patron behavior upon their exit of the building into the surrounding areas.

## 7. Licensing and Compliance with all Laws

When required by law, the restaurant must maintain a valid license from the Virginia Department of Alcoholic Beverage Control (VABC) and comply with all restrictions or requirements imposed by VABC. In addition, this Use Permit may be terminated for any violation of federal, state, or local law.

## 8. Dancing

The property owner shall comply with section 4-16 of the Hampton City Code with respect to dancing on the premises and dance floor area.

## 9. Third Party Promoters

Neither the facility nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event at the facility.

## 10. Revocation

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 20 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

## 11. Nullification

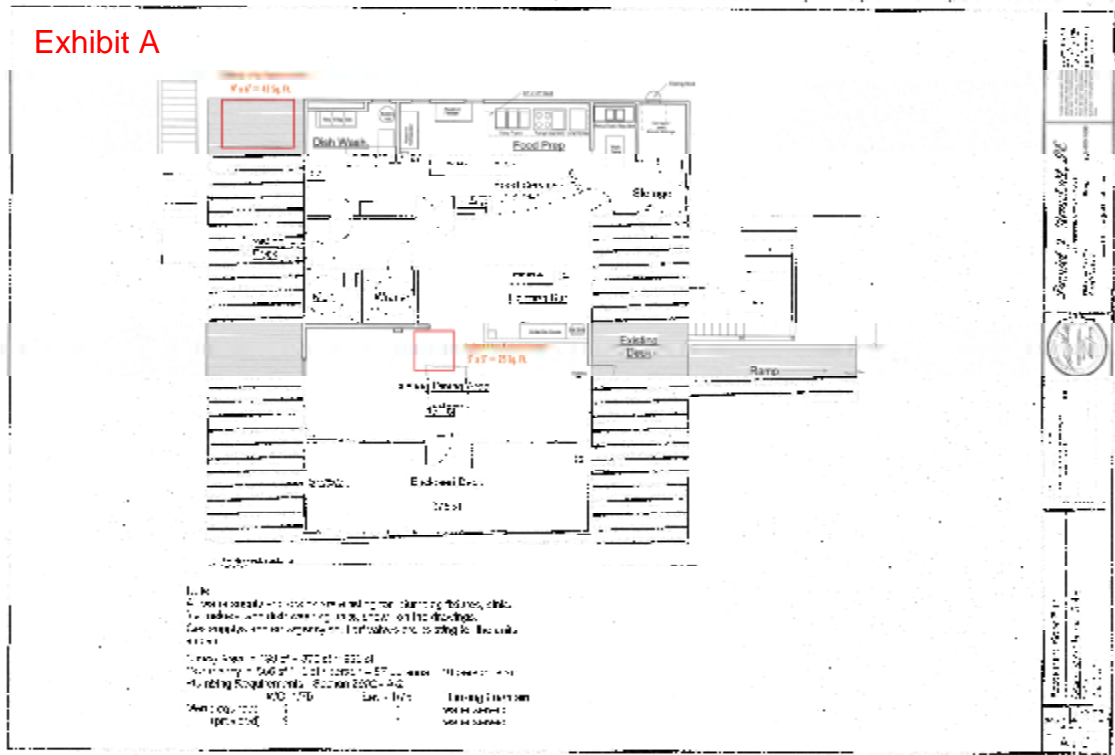
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- b. The Use Permit shall become null and void if the facility is not used for the permitted use for a period of two years.

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## Exhibit A





**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0258**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

---

File Number: **14-0258**

Request Number: **R-2014-00274**

File Type: **Briefing / Presentation /  
Hearing**

Department: **Budget/Finance**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

---

Created By: **Marcie Dunn**

Phone:

Requestor: **Gloria Washington**

Phone: **727-6377**

Presenter: **N/A, N/A**

Phone: **N/A**

Title: **Public Hearing and Vote on Recommended Fiscal Year 2015-2019 Capital Improvement Plan (CIP)**

Action Requested: **Hold Public Hearing and Vote on Recommended Fiscal Year 2015-2019 Capital Improvement Plan (CIP) as Amended**

Estimated Time: **20 min**

Indicators:

Advertised:

Fiscal Notes: \$224,262,227 - Five-Year Plan Total

Attachments: FY2015-2019 CIP  
Fy2015-2019 CIP by Expenditure Category  
Planning Commission Resolution  
Staff Recommended Amendments to FY2015-2019 Capital Improvement Plan

---

Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

---

**BRIEF BACKGROUND STATEMENT:**

The recommended five-year schedule includes additions and improvements to the City's capital assets. Recommended projects may be included in one of the following expenditure categories: Education, Hampton's Waterways, Maintenance of Public Properties and Performance Support, Master Plans, Neighborhood Support, New Facilities, Other CIP Projects, Other Economic Development Support, Public Safety and Streets and Infrastructure. Cost estimates for the recommended projects in the five-year plan total \$224,262,227.

Funding sources may include: Commonwealth of Virginia; Congestion Mitigation Air Quality Funds; General Fund; General Obligation Bond Proceeds; Stormwater Fund; Urban Maintenance Contribution;

VDOT Bridge Replacement Fund, VDOT Revenue Sharing Local/State Match, VDOT Urban Contribution Initiative Fund and the Wastewater Fund.

The Planning Commission reviewed the proposed FY 2015-2019 Capital Improvement Plan on May 1, 2014 and recommended that it be forwarded to City Council for approval.

Staff recommends amendments to Fiscal Year 2015-2019 as attached.



**Financial Overview:**  
Capital Improvement Plan  
by Expenditure Categories

Revenue Sources	FY15	Planned Year FY16	Planned Year FY17	Planned Year FY18	Planned Year FY19	TOTAL
<b>General Fund Revenues</b>						
General Fund Balance Transfer	\$3,750,000	\$2,600,000	\$2,500,000	\$2,000,000	\$2,000,000	\$12,850,000
General Fund Operating Revenues	2,421,683	3,232,265	3,232,265	3,232,265	3,232,265	15,350,743
Dedicated Tax Rate Increase- City Investments*	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Dedicated Tax Rate Increase- Hampton City Schools Investments**	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Committed Fund Balance	810,064	0	0	0	0	810,064
Urban Maintenance Contribution	5,770,392	5,921,106	6,039,526	6,160,318	6,281,108	30,172,452
VDOT Revenue Sharing City Match	717,500	3,125,000	750,000	0	0	4,592,500
Total:	17,469,639	18,878,371	16,521,793	15,392,583	15,513,373	83,775,759
<b>Other Revenues</b>						
Commonwealth of Virginia	2,000,000	0	0	0	0	2,000,000
Congestion Mitigation Air Quality Funds	553,000	693,000	0	0	0	1,251,000
General Obligation Bond Proceeds ~ City	10,135,000	6,895,000	10,157,500	5,850,000	3,850,000	36,887,500
General Obligation Bond Proceeds ~ Hampton City Schools	5,287,500	10,287,500	5,287,500	10,287,500	5,287,500	36,437,500
Stormwater Fund	2,529,241	3,935,000	4,185,000	4,685,000	4,685,000	20,018,241
VDOT Bridge Replacement Fund	3,786,764	0	0	0	0	3,786,764
VDOT Revenue Sharing State Match	2,405,000	3,725,000	750,000	0	0	6,880,000
VDOT Urban Contribution Initiative Fund (UCI)	1,808,483	0	0	0	0	1,808,483
Wastewater Fund	3,327,000	4,390,000	6,550,000	8,700,000	8,650,000	31,617,000
Total:	31,630,968	29,930,500	26,930,000	29,522,500	22,472,500	140,486,468
<b>GRAND TOTAL ~ Revenues</b>	<b>\$49,100,607</b>	<b>\$48,808,871</b>	<b>\$43,451,793</b>	<b>\$44,915,083</b>	<b>\$37,985,873</b>	<b>\$224,262,227</b>

Projects by Expenditure Categories	FY15	Planned Year FY16	Planned Year FY17	Planned Year FY18	Planned Year FY19	TOTAL
<b>1. Education</b>						
Hampton City Schools General Maintenance Projects	\$2,387,500	\$2,387,500	\$2,387,500	\$2,387,500	\$2,387,500	\$11,937,500
Hampton City Schools Investment Panel Improvement Projects	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	14,500,000
Hampton City Schools Major Renovation Projects	0	5,000,000	0	5,000,000	0	10,000,000
Hampton City Schools "One-to-One" Technology Initiative**	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Thomas Nelson Community College Site Improvements	157,384	169,104	169,104	169,104	169,104	633,810
Total:	7,444,884	12,456,604	7,456,604	12,456,604	7,456,604	47,271,310

<b>2. Hampton's Waterways</b>						
Berkshire Terrace Improvements from Mary Peake Study	50,000	1,250,000	0	0	0	1,300,000
Buckroe Shopping Mall Wetlands	0	0	175,000	500,000	500,000	1,175,000
Burbank Elementary School Best Management Practices	100,000	0	0	0	0	100,000
Forrest Elementary School Best Management Practices	1,500,000	0	0	0	0	1,500,000
Jones Megnet Middle School Detention Pond	0	0	90,000	200,000	0	290,000
Kecoughtan High School Detention Pond	0	0	50,000	250,000	0	300,000
Lynnhaven Lake Outfall Structure	50,000	50,000	100,000	0	0	200,000
Mary Peake Outfall Improvements at Newmarket Creek	50,000	1,500,000	0	0	0	1,550,000
Merrimack Elementary Wetland	0	0	100,000	225,000	0	325,000
Neighborhood Stormwater Improvements	585,000	585,000	585,000	585,000	585,000	2,925,000
Old Point Avenue Detention Pond	0	0	0	200,000	1,700,000	1,900,000
Salt Pond Dredging	500,000	0	500,000	0	0	1,000,000
Water Quality Improvements from on-going Watershed Studies	0	0	2,185,000	1,825,000	1,300,000	5,310,000
Watershed Studies	193,241	500,000	500,000	600,000	600,000	2,393,241
Winchester Drive Drainage Improvements	0	50,000	400,000	300,000	0	750,000
Total:	3,028,241	3,935,000	4,685,000	4,685,000	4,685,000	21,018,241



<b>Projects by Expenditure Categories</b>	<b>FY15</b>	<b>Planned Year FY16</b>	<b>Planned Year FY17</b>	<b>Planned Year FY18</b>	<b>Planned Year FY19</b>	<b>TOTAL</b>
<b>3. Maintenance of Public Properties and Performance Support</b>						
Circuit Courthouse (renovation of old facility)	0	0	0	2,000,000	1,000,000	3,000,000
City-wide and Downtown Landscaping Enhancements	100,000	100,000	100,000	100,000	100,000	500,000
Design of Briarfield & Gosnold Hope Parks	250,000	0	0	0	0	250,000
Design for Youth Sports Tourism Facility	1,000,000	0	0	0	0	1,000,000
Infrastructure Rehabilitation Program (Wastewater Fund)	3,327,000	4,390,000	9,550,000	8,700,000	8,650,000	31,617,000
Langley Air Force Base Clear Zone	4,000,000	0	0	0	0	4,000,000
Parks and Recreation Maintenance	2,000,000	3,000,000	2,000,000	3,000,000	2,000,000	12,000,000
Public Facility Improvements	3,250,000	3,000,000	3,000,000	2,000,000	2,000,000	13,250,000
Re-engineering Technology	100,000	100,000	100,000	100,000	100,000	500,000
<b>Total:</b>	<b>14,027,000</b>	<b>10,590,000</b>	<b>11,750,000</b>	<b>15,900,000</b>	<b>13,850,000</b>	<b>66,117,000</b>
<b>4. Master Plans</b>						
Boardwalk Extension	0	160,735	0	0	0	160,735
Coliseum Central Master Plan Updates	150,000	0	0	0	0	150,000
Mallory Streetscape (County Street to Seawall Avenue)	0	100,000	807,500	0	0	907,500
Master Plan Area Investments*	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Strategic Acquisition City	0	538,137	798,872	798,872	798,872	2,934,753
<b>Total:</b>	<b>2,150,000</b>	<b>2,798,872</b>	<b>3,606,372</b>	<b>2,798,872</b>	<b>2,798,872</b>	<b>14,152,988</b>
<b>5. Neighborhood Support</b>						
Blighted Property Acquisition and Demolition	250,000	250,000	250,000	250,000	250,000	1,250,000
Housing & Neighborhood Improvement Funding	100,000	100,000	100,000	100,000	100,000	500,000
<b>Total:</b>	<b>350,000</b>	<b>350,000</b>	<b>350,000</b>	<b>350,000</b>	<b>350,000</b>	<b>1,750,000</b>
<b>6. Other CIP Projects</b>						
Contingency	100,000	100,000	100,000	100,000	100,000	500,000
Motorola Lease Payment	1,864,289	1,864,289	1,864,289	1,864,289	1,864,289	9,321,445
<b>Total:</b>	<b>1,964,289</b>	<b>1,964,289</b>	<b>1,964,289</b>	<b>1,964,289</b>	<b>1,964,289</b>	<b>9,821,445</b>
<b>7. Other Economic Development Projects</b>						
Commercial Blight Abatement & Redevelopment	1,500,000	600,000	600,000	600,000	600,000	3,900,000
<b>Total:</b>	<b>1,500,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>3,900,000</b>
<b>8. Public Safety</b>						
Police In-Car Cameras	285,000	0	0	0	0	285,000
Public Safety Radio System Microwave Upgrade	427,500	0	0	0	0	427,500
Self Contained Breathing Apparatus	1,000,000	0	0	0	0	1,000,000
Wythe Fire Station	0	5,050,000	5,050,000	0	0	5,550,000
<b>Total:</b>	<b>1,712,500</b>	<b>5,050,000</b>	<b>5,050,000</b>	<b>0</b>	<b>0</b>	<b>7,262,500</b>
<b>9. Streets and Infrastructure</b>						
Big Bethel Rd/Todds Ln Intersection Improvements	2,608,463	0	0	0	0	2,608,463
City-wide Traffic Signal Upgrades - Phase 4	553,000	0	0	0	0	553,000
Coliseum Drive Extension Phase 1	250,000	0	1,500,000	0	0	1,750,000
Commerce Drive Extension	0	1,200,000	0	0	0	1,200,000
Fiber Optic Communications- Big Bethel Road	250,000	0	0	0	0	250,000
Franklin Street Extension	435,000	0	0	0	0	435,000
Freeman Drive Alignment	300,000	750,000	0	0	0	1,050,000



<b>Projects by Expenditure Categories</b>	<b>FY15</b>	<small>Planned Year</small> <b>FY16</b>	<small>Planned Year</small> <b>FY17</b>	<small>Planned Year</small> <b>FY18</b>	<small>Planned Year</small> <b>FY19</b>	<b>TOTAL</b>
<b>9. Streets and Infrastructure (Cont'd)</b>						
Kecoughtan Road/Sunset Creek Railing	425,000		0	0	0	425,000
Mercury Boulevard Sidewalks (Coliseum Drive to Armistead Avenue)	100,000	950,000	0	0	0	1,050,000
Newmarket Creek Trail	400,000	1,400,000	0	0	0	1,800,000
North King Street Streetscape (Lincoln Street to I-64)	0	45,000	450,000	0	0	495,000
North King Street Streetscape - Phase 3	600,000	2,100,000	0	0	0	2,700,000
Old Northampton Area Improvements- Phase 3 Langley	810,064	0	0	0	0	810,064
Pembroke Avenue Reconstruction - Phase 3	300,000	1,050,000	0	0	0	1,350,000
Replacement of Bridge Street Bridge	3,786,764	0	0	0	0	3,786,764
Street Resurfacing	5,770,392	5,921,106	6,039,528	6,160,318	6,281,103	30,172,452
Setters Landings Bridge Repairs	150,000	1,500,000	0	0	0	1,650,000
Sussex Sidewalks Completion Project	185,000	0	0	0	0	185,000
Traffic Signal System Retiming	0	698,000	0	0	0	698,000
<b>Total</b>	<b>16,923,633</b>	<b>15,614,106</b>	<b>7,989,528</b>	<b>6,160,318</b>	<b>6,281,103</b>	<b>52,968,743</b>
<b>GRAND TOTAL ~ Projects by Expenditure Category</b>	<b>\$49,100,607</b>	<b>\$49,908,871</b>	<b>\$43,451,793</b>	<b>\$44,915,083</b>	<b>\$37,985,873</b>	<b>\$224,262,227</b>

# FY 2015-2019 As Amended

## Financial Overview: Capital Improvement Plan by Expenditure Categories

Revenue Sources	FY15	Planned Year FY16	Planned Year FY17	Planned Year FY18	Planned Year FY19	TOTAL
<b>General Fund Revenues</b>						
General Fund Balance Transfer	\$3,750,000	\$2,600,000	\$2,500,000	\$2,000,000	\$2,000,000	\$12,850,000
General Fund Operating Revenues	2,421,683	3,232,265	3,232,265	3,232,265	3,232,265	15,350,743
Dedicated Tax Rate Increase: City Investments*	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Dedicated Tax Rate Increase: Hampton City Schools Investments**	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Committed Fund Balance	810,064	0	0	0	0	810,064
Urban Maintenance Contribution	5,770,392	5,921,106	6,039,528	6,160,318	6,281,108	30,172,452
VDOT Revenue Sharing City Match	717,500	3,125,000	750,000	0	0	4,592,500
Total:	17,469,639	18,878,371	16,521,793	15,392,583	15,513,373	83,775,759
<b>Other Revenues</b>						
Commonwealth of Virginia ♣	2,000,000	0	0	0	0	2,000,000
Congestion Mitigation Air Quality Funds	553,000	698,000	0	0	0	1,251,000
General Obligation Bond Proceeds ~ City	10,135,000	6,895,000	10,157,500	5,850,000	3,850,000	36,887,500
General Obligation Bond Proceeds ~ Hampton City Schools	5,287,500	10,287,500	5,287,500	10,287,500	5,287,500	36,437,500
Stormwater Fund	2,528,241	3,935,000	4,185,000	4,685,000	4,685,000	20,018,241
VDOT Bridge Replacement Fund	3,786,764	0	0	0	0	3,786,764
VDOT Revenue Sharing State Match	2,405,000	3,725,000	750,000	0	0	6,880,000
VDOT Urban Contribution Initiative Fund (UCI)	1,608,463	0	0	0	0	1,608,463
Wastewater Fund	3,327,000	4,390,000	6,550,000	8,700,000	8,650,000	31,617,000
Total:	31,630,968	29,930,500	26,930,000	29,522,500	22,472,500	140,486,468
<b>GRAND TOTAL ~ Revenues</b>	<b>\$49,100,607</b>	<b>\$48,808,871</b>	<b>\$43,451,793</b>	<b>\$44,915,083</b>	<b>\$37,985,873</b>	<b>\$224,262,227</b>
Projects by Expenditure Categories	FY15	Planned Year FY16	Planned Year FY17	Planned Year FY18	Planned Year FY19	TOTAL
<b>1. Education</b>						
Hampton City Schools General Maintenance Projects	\$2,387,500	\$2,387,500	\$2,387,500	\$2,387,500	\$2,387,500	\$11,937,500
Hampton City Schools Investment Panel Improvement Projects	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	14,500,000
Hampton City Schools Major Renovation Projects	0	5,000,000	0	5,000,000	0	10,000,000
Hampton City Schools "One-to-One" Technology Initiative**	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Thomas Nelson Community College Site Improvements	157,394	169,104	169,104	169,104	169,104	833,810
Total:	7,444,894	12,456,604	7,456,604	12,456,604	7,456,604	47,271,310
<b>2. Hampton's Waterways</b>						
Berkshire Terrace Improvements from Mary Peake Study	50,000	1,250,000	0	0	0	1,300,000
Buckroe Shopping Mall Wetlands	0	0	175,000	500,000	500,000	1,175,000
Burbank Elementary School Best Management Practices	100,000	0	0	0	0	100,000
Forrest Elementary School Best Management Practices	1,500,000	0	0	0	0	1,500,000
Jones Magnet Middle School Detention Pond	0	0	90,000	200,000	0	290,000
Kecoughtan High School Detention Pond	0	0	50,000	250,000	0	300,000
Lynnhaven Lake Outfall Structure	50,000	50,000	100,000	0	0	200,000
Mary Peake Outfall Improvements at Newmarket Creek	50,000	1,500,000	0	0	0	1,550,000
Merrimack Elementary Wetland	0	0	100,000	225,000	0	325,000
Neighborhood Stormwater Improvements	585,000	585,000	585,000	585,000	585,000	2,925,000
Old Point Avenue Detention Pond	0	0	0	200,000	1,700,000	1,900,000
Salt Pond Dredging	500,000	0	500,000	0	0	1,000,000
Water Quality Improvements from on-going Watershed Studies	0	0	2,185,000	1,825,000	1,300,000	5,310,000
Watershed Studies	193,241	500,000	500,000	600,000	600,000	2,393,241
Winchester Drive Drainage Improvements	0	50,000	400,000	300,000	0	750,000
Total:	3,028,241	3,935,000	4,685,000	4,685,000	4,685,000	21,018,241

# FY 2015-2019 As Amended

## Financial Overview: Capital Improvement Plan by Expenditure Categories

Projects by Expenditure Categories	FY15	Planned Year FY16	Planned Year FY17	Planned Year FY18	Planned Year FY19	TOTAL
<b>3. Maintenance of Public Properties and Performance Support</b>						
Circuit Courthouse (renovation of old facility)	0	0	0	2,000,000	1,000,000	3,000,000
City-wide and Downtown Landscaping Enhancements	100,000	100,000	100,000	100,000	100,000	500,000
Design of Briarfield & Gosnold Hope Parks	250,000	0	0	0	0	250,000
Design for Youth Sports Tourism Facility	1,000,000	0	0	0	0	1,000,000
Infrastructure Rehabilitation Program (Wastewater Fund)	3,327,000	4,390,000	6,550,000	8,700,000	8,650,000	31,617,000
Langley Air Force Base Clear Zone	4,000,000	0	0	0	0	4,000,000
Parks and Recreation Maintenance	2,000,000	3,000,000	2,000,000	3,000,000	2,000,000	12,000,000
Public Facility Improvements	3,250,000	3,000,000	3,000,000	2,000,000	2,000,000	13,250,000
Re-engineering Technology	100,000	100,000	100,000	100,000	100,000	500,000
Total:	14,027,000	10,590,000	11,750,000	15,900,000	13,850,000	66,117,000
<b>4. Master Plans</b>						
Boardwalk Extension	0	160,735	0	0	0	160,735
Coliseum Central Master Plan Updates	150,000	0	0	0	0	150,000
Mallory Streetscape {County Street to Seawall Avenue}	0	100,000	807,500	0	0	907,500
Master Plan Area Investments*	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Strategic Acquisition City	0	538,137	798,872	798,872	798,872	2,934,753
Total:	2,150,000	2,798,872	3,606,372	2,798,872	2,798,872	14,152,988
<b>5. Neighborhood Support</b>						
Blighted Property Acquisition and Demolition	250,000	250,000	250,000	250,000	250,000	1,250,000
Housing & Neighborhood Improvement Funding	100,000	100,000	100,000	100,000	100,000	500,000
Total:	350,000	350,000	350,000	350,000	350,000	1,750,000
<b>6. Other CIP Projects</b>						
Contingency	100,000	100,000	100,000	100,000	100,000	500,000
Motorola Lease Payment	1,864,289	1,864,289	1,864,289	1,864,289	1,864,289	9,321,445
Total:	1,964,289	1,964,289	1,964,289	1,964,289	1,964,289	9,821,445
<b>7. Other Economic Development Projects</b>						
Commercial Blight Abatement & Redevelopment	1,500,000	600,000	600,000	600,000	600,000	3,900,000
Total:	1,500,000	600,000	600,000	600,000	600,000	3,900,000
<b>8. Public Safety</b>						
Police In-Car & Body Cameras	285,000	0	0	0	0	285,000
Public Safety Radio System Microwave Upgrade	427,500	0	0	0	0	427,500
Self Contained Breathing Apparatus	1,000,000	0	0	0	0	1,000,000
Wythe Fire Station	0	500,000	5,050,000	0	0	5,550,000
Total:	1,712,500	500,000	5,050,000	0	0	7,262,500
<b>9. Streets and Infrastructure</b>						
Big Bethel Rd/Todds Ln Intersection Improvements	2,608,463	0	0	0	0	2,608,463
City-wide Traffic Signal Upgrades - Phase 4	553,000	0	0	0	0	553,000
Coliseum Drive Extension Phase 1	250,000	0	1,500,000	0	0	1,750,000
Commerce Drive Extension	200,000	1,000,000	0	0	0	1,200,000
Fiber Optic Communications- Big Bethel Road	250,000	0	0	0	0	250,000
Franklin Street Extension	435,000	0	0	0	0	435,000
Freeman Drive Alignment	100,000	950,000	0	0	0	1,050,000

# FY 2015-2019 As Amended

## *Financial Overview: Capital Improvement Plan by Expenditure Categories*

<u>Projects by Expenditure Categories</u>	<u>FY15</u>	Planned Year <u>FY16</u>	Planned Year <u>FY17</u>	Planned Year <u>FY18</u>	Planned Year <u>FY19</u>	<u>TOTAL</u>
<b>9. Streets and Infrastructure (Cont'd)</b>						
Kecoughtan Road/Sunset Creek Railing	425,000		0	0	0	425,000
Mercury Boulevard Sidewalks {Coliseum Drive to Armistead Avenue}	100,000	950,000	0	0	0	1,050,000
Newmarket Creek Trail	400,000	1,400,000	0	0	0	1,800,000
North King Street Streetscape {Lincoln Street to I-64}	0	45,000	450,000	0	0	495,000
North King Street Streetscape - Phase 3	600,000	2,100,000	0	0	0	2,700,000
Old Northhampton Area Improvements- Phase 3 Langley	810,064	0	0	0	0	810,064
Pembroke Avenue Reconstruction - Phase 3	300,000	1,050,000	0	0	0	1,350,000
Replacement of Bridge Street Bridge	3,786,764	0	0	0	0	3,786,764
Street Resurfacing	5,400,392	5,551,106	5,669,528	5,790,318	5,911,108	28,322,452
Street Resurfacing- VDOT Allocation to Ft. Monroe	370,000	370,000	370,000	370,000	370,000	1,850,000
Settlers Landings Bridge Repairs	150,000	1,500,000	0	0	0	1,650,000
Sussex Sidewalks Completion Project	185,000	0	0	0	0	185,000
Traffic Signal System Retiming	0	698,000	0	0	0	698,000
Total:	16,923,683	15,614,106	7,989,528	6,160,318	6,281,108	52,968,743
<b>GRAND TOTAL ~ Projects by Expenditure Category</b>	<b><u>\$49,100,607</u></b>	<b><u>\$48,808,871</u></b>	<b><u>43,451,793</u></b>	<b><u>44,915,083</u></b>	<b><u>37,985,873</u></b>	<b><u>\$224,262,227</u></b>

**AT A PUBLIC HEARING IN A REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA, ON THURSDAY, MAY 1, 2014 AT 3:30 P.M.**

**WHEREAS:** the Hampton Planning Commission has before it this day the proposed Fiscal Years 2015-2019 Capital Improvement Plan;

**WHEREAS:** the Planning Commission reviewed the proposed Capital Improvement Plan for consistency with and in support of the adopted Hampton Community Plan (2006, as amended) and Master Plan Initiatives;

**WHEREAS:** the proposed Fiscal Years 2015-2019 Capital Improvement Plan is considered a five-year funding plan and is intended to be one of the guides utilized to develop the Manager's Recommended Budget;

**WHEREAS:** expenditure categories included in the proposed Fiscal Years 2015-2019 Capital Improvement Plan are: Education; Hampton Waterways; Maintenance of Public Properties and Performance Support; Master Plans; Neighborhood Support; New Facilities; Other CIP Projects; Other Economic Development Support; Public Safety; and Streets and Infrastructure;

**WHEREAS:** the estimated cost for the projects included in the proposed Fiscal Years 2015-2019 Capital Improvement Plan total \$224,262,227;

**WHEREAS:** the final adoption of the proposed Fiscal Years 2015-2019 Capital Improvement Plan will occur at a City Council public hearing to be held on June 11, 2014, the first year (\$49,100,607) of which has been incorporated as the Capital Budget component in the Fiscal Year 2015 Manager's Recommended Budget which will be acted upon on May 14, 2014;

**WHEREAS:** there were no members of the public that spoke in favor or opposition at the Planning Commission public hearing.

**NOW, THEREFORE:** on a motion of approval of this Plan by Commissioner McCloud and seconded by Commissioner Snead,

**BE IT RESOLVED** that the Hampton Planning Commission respectfully recommends the Honorable City Council approve the proposed Fiscal Years 2015-2019 Capital Improvement Plan as presented.

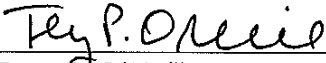
A roll call vote on the motion resulted as follows:

**AYES:** Williams, McCloud, Southall, Snead, Bunting, LaRue

**NAYS:** None

ABST:  
ABSENT: Campbell

A COPY; TESTE:



Terry P. O'Neill  
Secretary to Commission

# Staff Recommended Amendments Capital Improvement Plan FY 2015-2019

Staff recommends the following amendments to Fiscal Year 2015:

<b>Decrease Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing - to provide allocation for Ft. Monroe	(370,000)
Streets and Infrastructure: Freeman Drive Alignment - to provide initial funding in the first year (FY15) for the Commerce Drive extension project	(200,000)
Public Safety: Police In-Car Cameras (renaming to include body cameras)	(285,000)
<b>Increase Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing-VDOT allocation for Ft. Monroe	370,000
Streets and Infrastructure: Commerce Drive Extension	200,000
Public Safety: Police In-Car and Body Cameras	285,000

Staff recommends the following amendments to Fiscal Year 2016:

<b>Decrease Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing - to provide allocation for Ft. Monroe	(370,000)
Streets and Infrastructure: Commerce Drive Extension	(200,000)
<b>Increase Expenditures:</b>	
Streets and Infrastructure: Freeman Drive Alignment	200,000
Streets and Infrastructure: Street Resurfacing-VDOT allocation for Ft. Monroe	370,000

Staff recommends the following amendments for Fiscal Year 2017:



<b>Decrease Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing - to provide allocation for Ft. Monroe	(370,000)
<b>Increase Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing-VDOT allocation for Ft. Monroe	370,000

Staff recommends the following amendments for Fiscal Year 2018:

<b>Decrease Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing - to provide allocation for Ft. Monroe	(370,000)
<b>Increase Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing-VDOT allocation for Ft. Monroe	370,000

Staff recommends the following amendments for Fiscal Year 2019:

<b>Decrease Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing - to provide allocation for Ft. Monroe	(370,000)
<b>Increase Expenditures:</b>	
Streets and Infrastructure: Street Resurfacing-VDOT allocation for Ft. Monroe	370,000

A public hearing is scheduled for June 11, 2014 with the Council's vote to follow.



City of Hampton, VA

Agenda Review

File Number: 14-0234

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0234

Request Number: R-2014-00232

File Type: Ordinance - Non-Coded

Department: City Attorney

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective: 6/11/2014

Status: Received By Clerk's Office

Created By: Christina Campana

Phone:

Requestor: Veronica E. Meade

Phone: 757-727-6120

Presenter: No presentation anticipated.  
Anthony Reyes will be present to  
address questions., Director of  
Public Works

Phone: 757-728-2030

Title: Ordinance Approving the Vacation of a Portion of Right of Way Known as Martin Lane,  
Which is Located Between E. Pembroke Avenue and Old Point Lane, Comprising 3,472  
Square Feet (0.080 Acre), More or Less

Action Requested: Approve Ordinance

Estimated Time: Ten Minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Vacation Agreement

Date	Acting Body	Action
5/23/2014		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Mason Aminali and Afrooz Aminali (the "Aminalis") own property located at 309 E. Mercury Boulevard (LRSN 12003605), the rear portion of which abuts a segment of right of way known as Martin Lane. Pursuant to Chapter 34, Article V of the Code for the City of Hampton, the Aminalis request the vacation of a portion of Martin Lane, which is located between E. Pembroke Avenue and Old Point Lane, comprising 3,472 square feet (0.080 acre), more or less, as depicted on the attached plat (the "Vacation Area") because of trespassing in the Vacation Area, which also is used as an illegal dump for such items as mattresses, appliances, tires, paint cans, and the like. If approved, the Aminalis will erect a 6-foot high privacy fence around three sides of the Vacation Area, excluding the southern portion that directly abuts

the Aminalis' property at 309 E. Mercury Boulevard.

Local public utility companies and city staff have reviewed this request. None of the utility companies object to the request. Staff recommends obtaining an easement over the entire Vacation Area for storm drain, sanitary sewer, and ingress/egress; otherwise, the Vacation Area will not be needed for any other public purpose. Based on the foregoing, staff recommends approval.

LEGISLATION TEXT:

**WHEREAS**, Mason Aminali and Afrooz Aminali (the "Aminalis") own property located at 309 E. Mercury Boulevard (LRSN 12003605), the rear portion of which abuts a segment of right of way known as Martin Lane;

**WHEREAS**, pursuant to Chapter 34, Article V of the Code for the City of Hampton, the Aminalis request the vacation of a portion of Martin Lane, which is located between E. Pembroke Avenue and Old Point Lane, comprising 3,472 square feet (0.080 acre), more or less, as depicted on the attached plat (the "Vacation Area") because of trespassing in the Vacation Area, which also is used as an illegal dump for such items as mattresses, appliances, tires, paint cans, and the like;

**WHEREAS**, the Aminalis will erect a 6-foot high privacy fence around three sides of the Vacation Area, excluding the southern portion that directly abuts the Aminalis' property at 309 E. Mercury Boulevard;

**WHEREAS**, none of the local public utility companies object to the request;

**WHEREAS**, staff recommends obtaining an easement over the entire Vacation Area for storm drain, sanitary sewer, and ingress/egress; otherwise, the Vacation Area will not be needed for any other public purpose; and

**WHEREAS**, pursuant to Chapter 34, Article V of the Code for the City of Hampton, City Council agrees to vacate a portion of right of way known as Martin Lane, which is located between E. Pembroke Avenue and Old Point Lane, comprising 3,472 square feet (0.080 Acre), more or less.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the vacation of a portion of right of way known as Martin Lane, which is located between E. Pembroke Avenue and Old Point Lane, comprising 3,472 square feet (0.080 Acre), more or less, is hereby approved;
2. That the City Manager, or her authorized designee, and Clerk of Council are hereby authorized to execute and attest the vacation of a portion of right of way known as Martin Lane as set forth in this Ordinance; and
3. That a certified copy of this vacation ordinance shall be recorded in the Office of the Clerk of the Circuit Court for the City of Hampton, Virginia in the manner as deeds are recorded and indexed in the name of the City of Hampton.



**Reviewed by:**

Portion of Martin Lane

Mason and Afrooz Aminali  
309 E. Mercury Boulevard  
Hampton, VA 23663

**After Recording, Return to:**

Veronica E. Meade  
City Attorney's Office  
City of Hampton  
22 Lincoln Street  
Hampton, VA 23669

EXEMPTION FROM CLERK'S FEE UNDER  
VIRGINIA CODE SECTION 17.1-266

**VACATION AGREEMENT**  
**(Portion of Right of Way Known as Martin Lane)**

**THIS VACATION AGREEMENT** made this 4<sup>th</sup> day of April, 2014, by and among the **CITY OF HAMPTON, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia located at 22 Lincoln Street, Hampton, Virginia 23669 (the "City"), and **MASON AMINALI AND AFROOZ AMINALI**, owners of property located at 309 E. Mercury Boulevard, Hampton, Virginia 23663 (the "Aminalis").

**WHEREAS**, the City is the fee simple owner of certain real property comprising 3,472 square feet (0.080 acre) located in the City of Hampton, known as a portion of Martin Lane and more particularly described as:

All that certain lot, piece, or parcel of land containing 3,472 square feet (0.080 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being designated as "MARTIN LANE (30' AND VARIABLE R.O.W.) (ALSO REFERRED TO AS MARTINS LANE AND MARTIN ROAD IN VARIOUS DOCUMENTS OF RECORD)" as shown on that certain plat entitled: "VACATION OF A PORTION OF MARTIN ROAD (LANE) TO MASON AND AFROOZ AMINALI FROM CITY OF HAMPTON, VA, AND DEDICATION OF ACCESS, MAINTENANCE, AND UTILITY EASEMENT TO THE CITY OF HAMPTON," said plat bearing a date of October 28, 2013 and prepared by Timothy S. Campbell, Land Surveyor, MidAtlantic Surveying-Land Design, 5305 Cleveland Street, Suite 102, Virginia Beach, VA 23462, which is attached hereto as Exhibit "A" for reference and made a part of this legal description (the "Vacation Area");

**WHEREAS**, the Aminimalis own property located at 309 E. Mercury Boulevard, the rear portion of which abuts a segment of the right of way known as Martin Lane;

**WHEREAS**, the Aminimalis request the vacation of the Vacation Area to prevent illegal dumping and trespassing through the Vacation Area to the Aminimalis' property and another adjacent property;

**WHEREAS**, the Aminimalis will erect a 6-foot high privacy fence around three sides of the Vacation Area, excluding the side directly abutting the Aminimalis property at 309 E. Mercury Boulevard;

**WHEREAS**, the City retains an easement over the entire Vacation Area for storm drain, sanitary sewer, and ingress/egress; and none of the utility companies object to this vacation request; and

**WHEREAS**, the City, acting by and through its City Council, is of the opinion that the Property is not now and will not be needed for public interest.

**NOW, THEREFORE**, in accordance with Chapter 34, Article V of the Hampton City Code, the City of Hampton, Virginia, acting by and through its City Council at its duly held meeting on the 11<sup>th</sup> day of June, 2014, does by these presents release, quit-claim, and vacate unto the Aminimalis the following described property, to-wit:

All that certain lot, piece, or parcel of land containing 3,472 square feet (0.080 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being designated as "MARTIN LANE (30' AND VARIABLE R.O.W.) (ALSO REFERRED TO AS MARTINS LANE AND MARTIN ROAD IN VARIOUS DOCUMENTS OF RECORD)" as shown on that certain plat entitled: "VACATION OF A PORTION OF MARTIN ROAD (LANE) TO MASON AND AFROOZ AMINALI FROM CITY OF HAMPTON, VA, AND DEDICATION OF ACCESS, MAINTENANCE, AND UTILITY EASEMENT TO THE CITY OF HAMPTON," said plat bearing a date of October 28, 2013 and prepared by Timothy S. Campbell, Land Surveyor, MidAtlantic Surveying-Land Design, 5305 Cleveland Street, Suite 102, Virginia Beach, VA 23462, which is attached hereto as Exhibit "A" for reference and made a part of this legal description.

THIS VACATION is being made expressly subject to the following:

The erection by the Aminimalis, within 90 days of the date that Council approves this Vacation, of a 6-foot high privacy fence around three sides of the Vacation Area, excluding the side directly abutting the Aminimalis' property at 309 E. Mercury Boulevard; and

The retention by the City of an easement over the entire Vacation Area for storm drain, sanitary sewer, and ingress/egress.

IN WITNESS WHEREOF, the City of Hampton, Virginia, a municipal corporation, has caused its name to be signed hereto by its City Manager or her duly Authorized Designee, and its corporate seal to be affixed and attested by its Clerk, Katherine K. Glass, they having been duly authorized to do so; and the Aminimalis likewise have caused their names to be signed hereto.

**THE CITY OF HAMPTON, VIRGINIA**

By: \_\_\_\_\_  
City Manager / Authorized Designee

ATTEST:

\_\_\_\_\_  
Clerk

Approved as to form and legal sufficiency:

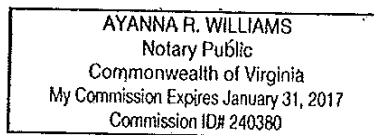
  
\_\_\_\_\_  
Senior Assistant City Attorney



AMINALI ACCEPTANCE:

By: Mason Aminali  
Mason Aminali

COMMONWEALTH OF VIRGINIA  
City of Hampton, to-wit:



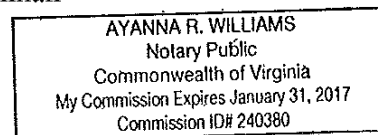
I hereby certify on this 4<sup>th</sup> day of April, 2014 that the foregoing Vacation Agreement was acknowledged before me by Mason Aminali. He is known to me personally or provided VA Drivers Lic. as identification.

Ayanna R. Williams  
Notary Public

My commission expires: 1/31/17  
Registration No. 240380

By: Afrooz Aminali  
Afrooz Aminali

COMMONWEALTH OF VIRGINIA  
City of Hampton, to-wit:



I hereby certify on this 4<sup>th</sup> day of April, 2014 that the foregoing Vacation Agreement was acknowledged before me by Afrooz Aminali. She is known to me personally or provided VA Driver's Lic. as identification.

Ayanna R. Williams  
Notary Public

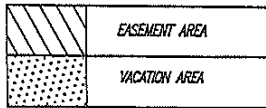
My commission expires: 1/31/17  
Registration No. 240380

1. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
2. THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONE "X" ACCORDING TO FEMA -- NFIP COMMUNITY PANEL 51552701376 DATED 08/16/2011. FLOOD DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE DATA SHOWN HEREON SHOULD NOT BE CONSTRUED AS A DETERMINATION OF FLOOD INSURANCE REQUIREMENTS ON ANY PROPERTIES SHOWN HEREON OR ON ADJACENT PROPERTIES.
3. THIS SURVEY WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT SHOW ALL EASEMENTS, RESTRICTIONS OR NON-VISIBLE ENCROACHMENTS AFFECTING THIS PARCEL.
4. NO WETLAND MARKERS WERE FOUND DURING THE FIELD PORTION OF THIS SURVEY. THIS DOES NOT INDICATE THE EXISTENCE OR NON-EXISTENCE OF WETLANDS ON THIS OR ADJACENT PROPERTIES. OWNERS / DEVELOPERS SHOULD CONTACT A WETLANDS SPECIALIST OR THE LOCAL WETLANDS OFFICIAL REGARDING ANY AND ALL WETLAND ISSUES.
5. VACATION IS SUBJECT TO EASEMENTS OF RECORD AND THOSE GRANTED HEREIN.
6. EASEMENTS CONVEYED TO THE CITY OF HAMPTON FOR STORM DRAIN, SANITARY SEWER AND INGRESS/EGRESS.

**NOTE:**

THE INTENT IS TO CLOSE ONLY THAT PORTION OF MARTIN LANE BOUNDED AS SHOWN.

THE PORTION BOUNDED CONSISTS OF 3,472 S.F. OR 0.080 ACRES.



REFERENCE MERIDIAN  
D.B. 1139, PG. 1326

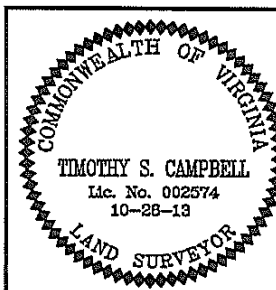
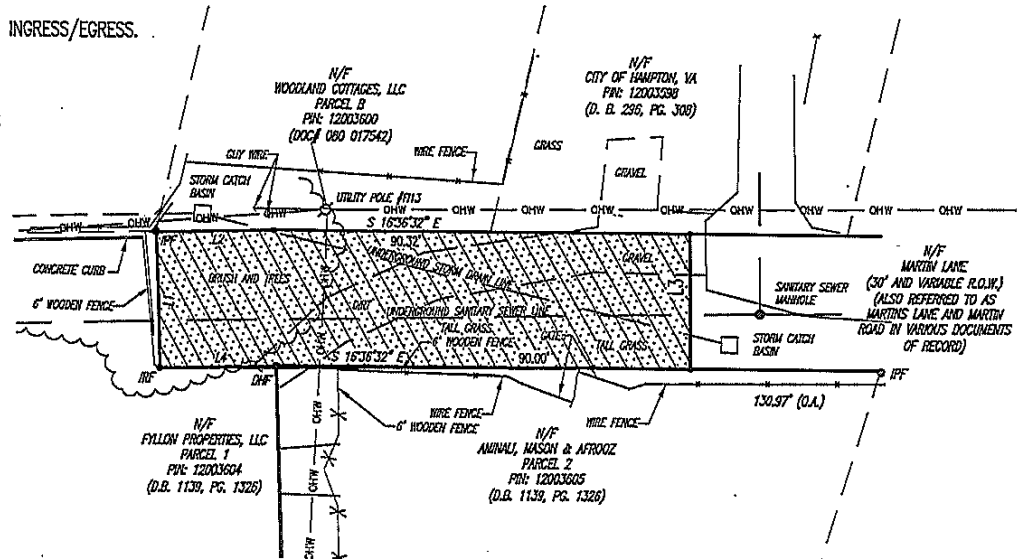
NO.	BEARING	DISTANCE
L1	N 72°09'34" E	30.00'
L2	S 17°50'26" E	25.74'
L3	N 73°23'28" E	30.00'
L4	N 17°50'26" W	25.42'



SCALE: 1"=30'

**LEGEND AND ABBREVIATIONS:**  
 AC. = ACRES  
 CONC. = CONCRETE  
 D.B. = DEED BOOK  
 DHF = DRILL HOLE FOUND  
 IPF = IRON PIPE FOUND  
 INST. = INSTRUMENT  
 IRF = IRON ROD FOUND  
 IRS = IRON ROD SET  
 M.B. = MAP BOOK  
 N/F = NOW OR FORMERLY  
 PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 S.F. = SQUARE FEET

VACATION OF  
A PORTION OF  
MARTIN ROAD (LANE)  
TO  
MASON AND AFROOZ AMINALI  
FROM  
CITY OF HAMPTON, VA  
AND DEDICATION OF ACCESS, MAINTENANCE AND UTILITY  
EASEMENT TO THE CITY OF HAMPTON  
(PLAT BOOK 12, PAGE 134)  
HAMPTON, VIRGINIA  
10-28-2013  
SCALE: 1" = 30'



PROJECT #: 13071.0  
 SCALE: 1" = 30'  
 DATE: 10-28-13  
 DRAWN BY: TSC  
 REFERENCES:  
 AS NOTED IN BODY OF  
 DRAWING AS SHOWN  
 ABOVE.

**MIDATLANTIC**  
**SURVEYING - LAND DESIGN**

5305 CLEVELAND STREET  
 SUITE 102  
 VIRGINIA BEACH, VA 23462  
 www.mas-ld.com  
 PHONE: 757-557-0888 / FAX: 757-557-6776





City of Hampton, VA

Agenda Review

File Number: 14-0256

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0256

Request Number: R-2014-00271

File Type: Ordinance - Non-Coded

Department: City Attorney

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Lendora Dale

Phone:

Requestor:

Phone:

Presenter: Leonard Sledge (to answer  
questions only), Economic  
Development Director

Phone: 728-5165

Title: Ordinance Vacating a Surplus 60' Public Access and Utility Easement Containing 79,426± Square Feet or 1.83± Acres Located on Property Owned by the Economic Development Authority of the City of Hampton Near the Intersection of Floyd Thompson Boulevard and Research Drive and Designated as LRSNs 13003975 and 13003976.

Action Requested: (1) Conduct a public hearing, and (2) Adopt the ordinance

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Vacation Agreement  
GIS Location Map

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Economic Development Authority of the City of Hampton, Virginia ("the EDA") owns two parcels of property in the City of Hampton (LRSNs 13003975 and 13003976), which are depicted in blue and yellow on the **GIS Location Map** attached hereto.

The EDA is under contract with SDC 24 Norfolk, VA, L.L.C. ("Contract Purchaser") to sell one of these parcels – LRSN 13003976 (shown in blue on the GIS Location Map). Contract Purchaser intends to develop a small package sort and distribution facility.

The City of Hampton ("the City") is the owner of a 60' access and utility easement ("the 60' Easement") containing 79,426± square feet or 1.83± acres, which traverses across both EDA-owned parcels as shown on **Exhibit 1-G**. The easement is used to provide access and utility lines to a City pump station located at 41 Floyd Thompson Boulevard. In order to facilitate the development of the site, Contract Purchaser has requested vacation of the 60' Easement.

City staff and local public utility companies reviewed this request and recommend approval provided that sufficient easement area is granted to the City to cover the existing utility lines within the 60' Easement to be vacated, the City retains access to its pump station at 41 Floyd Thompson Boulevard, as depicted on **Exhibit 1-F**, and if Dominion Virginia Power utility lines are identified on the site, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City.

Chapter 34 of the City Code and section 15.2-2006 of the Virginia Code permit vacation of public easements by action of the City Council. The public hearing for this vacation was advertised in accordance with Virginia Code § 15.2-2006.

LEGISLATION TEXT:

**NON-CODED ORDINANCE #**

**WHEREAS**, the Economic Development Authority of the City of Hampton, Virginia ("the EDA") is the fee simple owner of a certain parcel of property located in the City of Hampton and designated as LRSN 13003975, which is depicted as "Parcel 5" on **Exhibits 1-F and 1-G** attached hereto ("the EDA Property");

**WHEREAS**, the EDA is the fee simple owner of a second parcel of property located in the City of Hampton known as Basil Sawyer Drive and designated as LRSN 13003976, which is depicted as "Parcel 6" on **Exhibits 1-F and 1-G** ("the Basil Sawyer Drive Property");

**WHEREAS**, the City of Hampton ("the City") is the owner of a certain 60' access and utility easement ("the 60' Easement"), as shown on **Exhibit 1-G**, used to provide access and utility lines to a City pump station located at 41 Floyd Thompson Boulevard, which was dedicated to the City as shown on that certain plat entitled, "DEDICATION PLAT OF THE PROPERTY OF REGIONAL REDEVELOPMENT AND HOUSING AUTHORITY FOR HAMPTON AND NEWPORT NEWS, VA. CITY OF HAMPTON VIRGINIA," prepared by Coenen & Associates, Inc., recorded in the Clerk's office of the circuit court of the City of Hampton, Virginia in Plat Book 8 at Page 10 and dated July 26, 1983;

**WHEREAS**, the 60' Easement contains 79,426± square feet or 1.83± acres and is located across both the EDA Property and the Basil Sawyer Drive Property owned by the EDA;

**WHEREAS**, the EDA and SDC 24 Norfolk, VA, L.L.C. ("Contract Purchaser") are parties to a contract pursuant to which the EDA and Contract Purchaser agree to the sale of the EDA Property to be used by the Contract Purchaser to develop a small package sort and distribution facility ("the Project");

**WHEREAS**, Contract Purchaser has requested vacation of the 60' Easement in order to facilitate construction of the Project;

**WHEREAS**, City staff reviewed this request and recommend approval provided that sufficient easement area is granted to the City to cover the existing utility lines within the 60' Easement to be vacated and the City retains access to its pump station at 41 Floyd Thompson Boulevard, as depicted on **Exhibit 1-F**;

**WHEREAS**, local public utility companies reviewed this request and do not object to the vacation, provided that if Dominion Virginia Power utility lines are identified on the EDA Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City;

**WHEREAS**, Chapter 34 of the City Code and section 15.2-2006 of the Virginia Code permit vacation of public easements by action of the City Council;

**WHEREAS**, the City Council held a duly noticed public hearing concerning the proposed vacation pursuant to the requirements of Virginia Code § 15.2-2006; and

**WHEREAS**, the City Council finds that vacation of the 60' Easement as shown on **Exhibit 1-G** is in the best interest of the City and its citizens.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the vacation of the 60' Easement as depicted on **Exhibit 1-G** is hereby approved, provided that:  
(a) the Contract Purchaser shall dedicate to the City, at no cost, all easements necessary to serve the pump station located at 41 Floyd Thompson Boulevard for ingress, egress, and utilities as depicted on **Exhibit 1-F**; (b) conditions for the 20' access easement depicted on **Exhibit 1-F** shall include (i) use of the access easement shall be limited to City of Hampton ("City") employees and other authorized designees of the City, (ii) City shall make a good faith effort to coordinate access times to coincide with lower-activity periods and to provide advanced notice to the property owner for all scheduled maintenance. City may access the pump station unannounced in cases of emergency. Notwithstanding the foregoing, the City shall have access to the pump station 24 hours a day, 7 days a week, (iii) City shall enter the property through the secure truck entrance gate. Entrance through the secure truck entrance gate shall not be withheld, and (iv) City shall lock the gate behind them when working on the pump station; and (c) if additional utility lines are identified on the EDA Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City.
2. That the City Manager or her authorized designee is hereby authorized to execute the vacation as set forth in this ordinance.
3. That a certified copy of this vacation ordinance be recorded in the circuit court for the City of Hampton, Virginia after the aforesaid conditions are met, in accordance with the Virginia Code.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia, held on June 11, 2014.

Prepared by/after recording return to:  
Bonnie N. Brown  
Assistant City Attorney  
VSB No. 83690  
Hampton City Attorney's Office  
22 Lincoln Street  
Hampton, Virginia 23669  
757-727-6157

Consideration:\$ 0.00  
LRSNs: 13003975 & 13003976

### **CONDITIONAL VACATION AGREEMENT**

**This agreement is exempt from Clerk's fees under Virginia Code § 17.1-266**

**THIS CONDITIONAL VACATION AGREEMENT** (the "Agreement") made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and among the **CITY OF HAMPTON**, Virginia, a municipal corporation of the Commonwealth of Virginia with an address of 22 Lincoln Street, Hampton Virginia 23669, ("City" and Grantor for purposes of indexing), and **SDC 24 NORFOLK, VA, L.L.C.**, an Alabama limited liability company, ("Contract Purchaser" and "Grantee" for the purposes of indexing), and the **ECONOMIC DEVELOPMENT AUTHORITY** of the City of Hampton, Virginia, (the "EDA" and "Grantee" for purposes of indexing).

**WHEREAS**, Contract Purchaser is or will become the fee simple owner of a certain parcel of property owned by the EDA located in the City of Hampton and herein designated as LRSN 13003975, depicted as "Parcel 5" on **Exhibits 1-F and 1-G** attached hereto (the "EDA Property");

**WHEREAS**, the EDA is the fee simple owner of a certain parcel of property located in the City of Hampton and herein known as Basil Sawyer Drive (LRSN 13003976), which is depicted as "Parcel 6" on **Exhibits 1-F and 1-G**;

**WHEREAS**, the City is the owner of a certain 60' access and utility easement (the "**Existing 60' Easement**"), as shown on **Exhibit 1-G**, used to provide access and utility lines to a City pump station located at 41 Floyd Thompson Boulevard, which was dedicated to the City as shown on that certain plat entitled, "DEDICATION PLAT OF THE PROPERTY OF REGIONAL REDEVELOPMENT AND HOUSING AUTHORITY FOR HAMPTON AND NEWPORT NEWS, VA. CITY OF HAMPTON VIRGINIA," prepared by Coenen & Associates, Inc., recorded in the Clerk's office of the circuit court of the City of Hampton, Virginia in Plat Book 8 at Page 10 and dated July 26, 1983;

**WHEREAS**, the EDA and the Contract Purchaser are parties to a contract, pursuant to which the EDA and Contract Purchaser agree to the sale of the EDA Property to Contract Purchaser to be used by Contract Purchaser to build and develop a small package sort and distribution facility (the "Project");

**WHEREAS**, it is the desire of the Contract Purchaser that the Existing 60' Easement be conditionally vacated in order to facilitate the construction of the Project; and

**WHEREAS**, the City, acting by and through its City Council, is of the opinion that the Existing 60' Easement is not and will not be needed for the public interest, provided that: (1) the Contract Purchaser shall dedicate to the City, at no cost, all easements necessary to serve the pump station located at 41 Floyd Thompson Boulevard for ingress, egress, and utilities as depicted on **Exhibit 1-F**; (2) conditions for the 20' access easement depicted on **Exhibit 1-F** shall include (i) use of the access easement shall be limited to City of Hampton ("City") employees and other authorized designees of the City, (ii) City shall make a good faith effort to coordinate access times to coincide with lower-activity periods and to provide advanced notice to the property owner for all scheduled maintenance. City may access the pump station



unannounced in cases of emergency. Notwithstanding the foregoing, the City shall have access to the pump station 24 hours a day, 7 days a week; (iii) City shall enter the property through the secure truck entrance gate. Entrance through the secure truck entrance gate shall not be withheld, and (iv) City shall lock the gate behind them when working on the pump station; and (3) if additional utility lines are identified on the EDA Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City.

**NOW, THEREFORE**, in accordance with Section 15.2-2006 of the Virginia Code and Chapter 34 of the City Code of the City of Hampton, Virginia, as amended, the City of Hampton, Virginia, acting by and through its Council at its duly held meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, does by these presents release, quit-claim, and vacate unto the Contract Purchaser, the following described property, to-wit:

**Existing 60' Easement:**

All that certain lot, piece, or parcel of land, lying, being, and situate in the City of Hampton, Virginia containing 79,426± square feet or 1.823± acres, more or less, which is shown hatched and designated "60' CITY OF HAMPTON EASEMENT (P.B. 8, PG. 10) ACCESS & UTILITY EASEMENT HEREBY EXTINGUISHED 79,426 S.F. ± 1.823 AC ±" on that certain plat entitled, "EXHIBIT 1-G SHOWING ACCESS AND UTILITY EASEMENT VACATION PROPERTY OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF HAMPTON, VIRGINIA," dated May 6, 2014 and prepared by AES Consulting Engineers, a copy of which plat is attached hereto.

The conveyances are made subject to all easements of record.

provided; however, such release, quit-claim and vacation unto Contract Purchaser shall be conditioned, without further need for action, upon the following: (1) the Contract Purchaser shall dedicate to the City, at no cost, all easements necessary to serve the pump station located at 41 Floyd Thompson Boulevard for ingress, egress, and utilities as depicted on Exhibit 1-F; (2) conditions for the 20' access easement depicted on Exhibit 1-F shall include (i) use of the access easement shall be limited to City of Hampton ("City") employees and other authorized designees

of the City, (ii) City shall make a good faith effort to coordinate access times to coincide with lower-activity periods and to provide advanced notice to the property owner for all scheduled maintenance. City may access the pump station unannounced in cases of emergency. Notwithstanding the foregoing, the City shall have access to the pump station 24 hours a day, 7 days a week, (iii) City shall enter the property through the secure truck entrance gate. Entrance through the secure truck entrance gate shall not be withheld, and (iv) City shall lock the gate behind them when working on the pump station; and (3) if additional utility lines are identified on the EDA Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City.

Furthermore, the Contract Purchaser, as evidenced by its execution hereof, does agree, for itself, successors and assigns that it will dedicate or convey all such necessary easements lying within the above described property to be vacated herein as may be required by Cox Communications Hampton Roads, LLC, Verizon Virginia, Inc., Virginia Electric and Power Company, the City of Newport News, Virginia and Virginia Natural Gas Inc., for the location, construction, and maintenance of such utilities as may be required.

[Signature Pages and Notary Blocks to Follow]

IN WITNESS WHEREOF, the City of Hampton, Virginia, a municipal corporation, has caused its name to be signed hereto by its City Manager or designee and its corporate seal to be affixed and attested by its Clerk, Katherine Glass, they having been duly authorized to do so.

CITY OF HAMPTON, VIRGINIA

By: \_\_\_\_\_  
City Manager or designee

ATTEST:

\_\_\_\_\_  
Clerk

STATE OF VIRGINIA  
City of Hampton, to-wit:

The foregoing instrument bearing date on the \_\_\_\_ day of \_\_\_\_\_, 2014, was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014, by the City Manager or her designee and Katherine Glass, of the City of Hampton, Virginia, who are personally known to me.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public

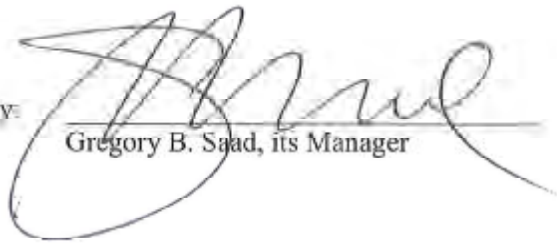
My commission expires: \_\_\_\_\_

Registration No.: \_\_\_\_\_

IN WITNESS WHEREOF, SDC 24 NORFOLK, VA, L.L.C., an Alabama limited liability company, authorized to do business in Virginia, has caused its name to be signed hereto by Gregory B. Saad, its Manager.


SDC 24 NORFOLK, VA, L.L.C.

By:

  
Gregory B. Saad, its Manager

STATE OF ALABAMA  
COUNTY OF MOBILE:

I, Deborah G. Botter, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Gregory B. Saad, whose name is signed to the foregoing instrument as Manager of SDC Norfolk, VA, L.L.C., an Alabama limited liability company, has sworn to, subscribed, and acknowledged the same before me in the County and State aforesaid, this 28 day of MAY, 2014 on behalf of said SDC 24 NORFOLK, VA, LLC. He/she ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

  
Notary Public

My commission expires: \_\_\_\_\_  
Registration No. \_\_\_\_\_



DEBORAH GREENE BOTTER  
Notary Public  
Alabama State At Large  
My Commission Expires 8-2-14

IN WITNESS WHEREOF, the Economic Development Authority of the City of Hampton,  
Virginia, has caused its name to be signed hereto by James R. Joseph, its Chair.

ECONOMIC DEVELOPMENT AUTHORITY

By: \_\_\_\_\_  
James R. Joseph, Chair

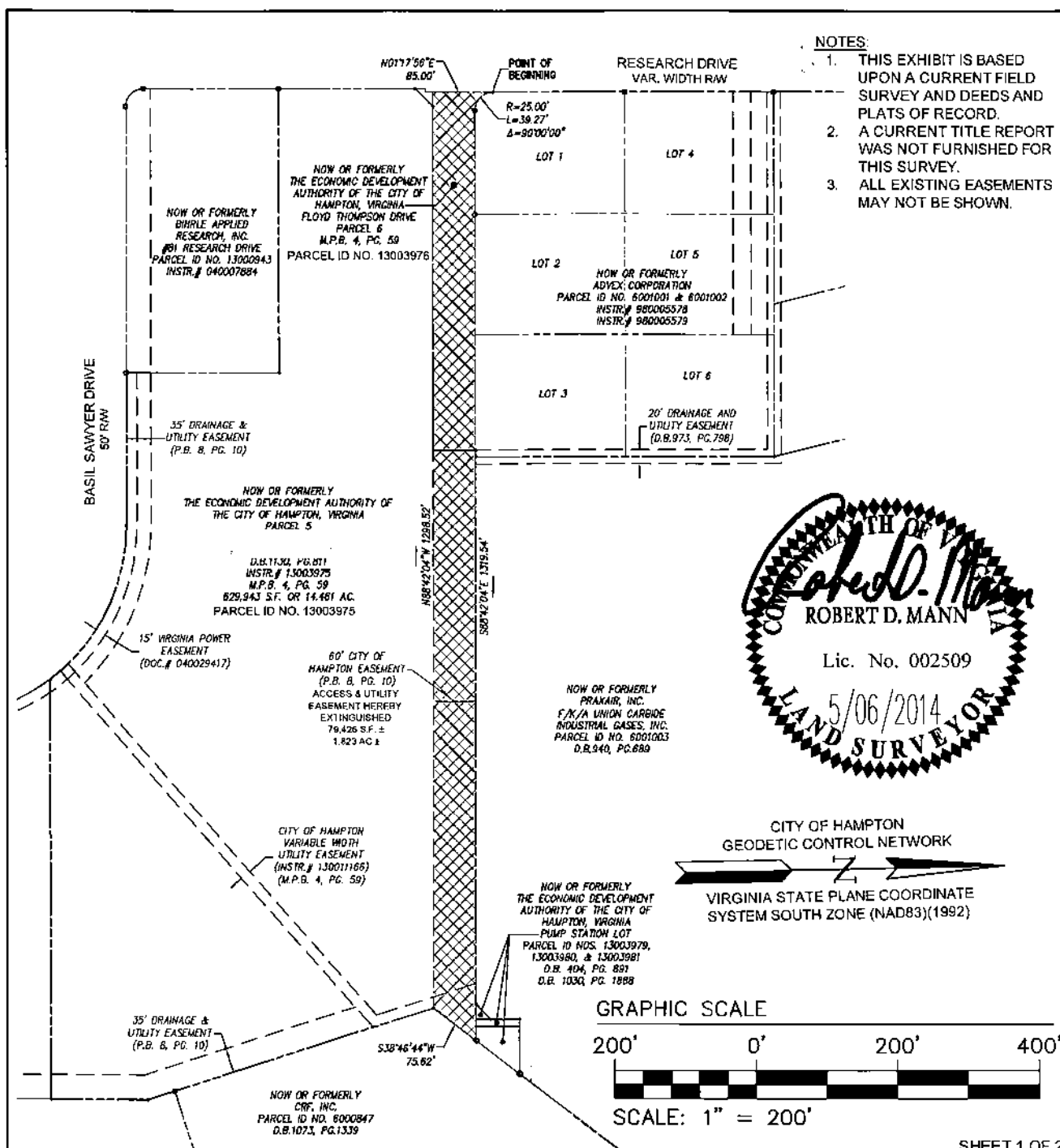
STATE OF \_\_\_\_\_  
City/County of \_\_\_\_\_, to-wit:

The foregoing instrument bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, was  
acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, \_\_\_\_\_  
\_\_\_\_\_ of the Economic Development Authority of  
the City of Hampton, Virginia. He is personally known to me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_



SHEET 1 OF 2

EXHIBIT 1-G  
SHOWING  
**ACCESS & UTILITY  
EASEMENT VACATION**  
PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

HAMPTON

VIRGINIA

Project Contacts: RDM Scale: 1"=200'  
Project Number: W10074-01 Date: 5/06/14



1317 Executive Blvd, Suite 150  
Chesapeake, Virginia 23320  
Phone: (757) 410-7436

[www.aesva.com](http://www.aesva.com)

CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

METES AND BOUNDS

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RESEARCH DRIVE, SAID POINT MARKING THE INTERSECTION OF SAID RIGHT-OF-WAY LINE AND THE NORTHERLY LINE OF FLOYD THOMPSON DRIVE;  
THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A LENGTH OF 39.27 FEET, A DELTA ANGLE OF 90°00'00", A CHORD BEARING OF S 43°42'04" E, AND A CHORD DISTANCE OF 35.35 FEET TO A POINT, AN IRON PIPE FOUND;  
THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF FLOYD THOMPSON DRIVE, A BEARING OF S 88°42'04" E A DISTANCE OF 1,319.54 FEET TO A MONUMENT FOUND;  
THENCE A BEARING OF S 38°46'44" E A DISTANCE OF 75.62 FEET TO A POINT;  
THENCE ALONG THE SOUTHERN LINE OF FLOYD THOMPSON DRIVE, A BEARING OF N 88°42'04" W A DISTANCE OF 1,298.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RESEARCH DRIVE;  
THENCE ALONG SAID RIGHT-OF-WAY LINE OF RESEARCH DRIVE, A BEARING OF N 01°17'56" E A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 1.823 ACRES, 79,426 SQUARE FEET, MORE OR LESS.

SHEET 2 OF 2

EXHIBIT 1-G  
SHOWING  
**ACCESS & UTILITY  
EASEMENT VACATION**  
PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

HAMPTON

VIRGINIA

Project Contacts: RDM

Scale: N/A

Project Number: W10074-01

Date: 5/06/14



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CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula



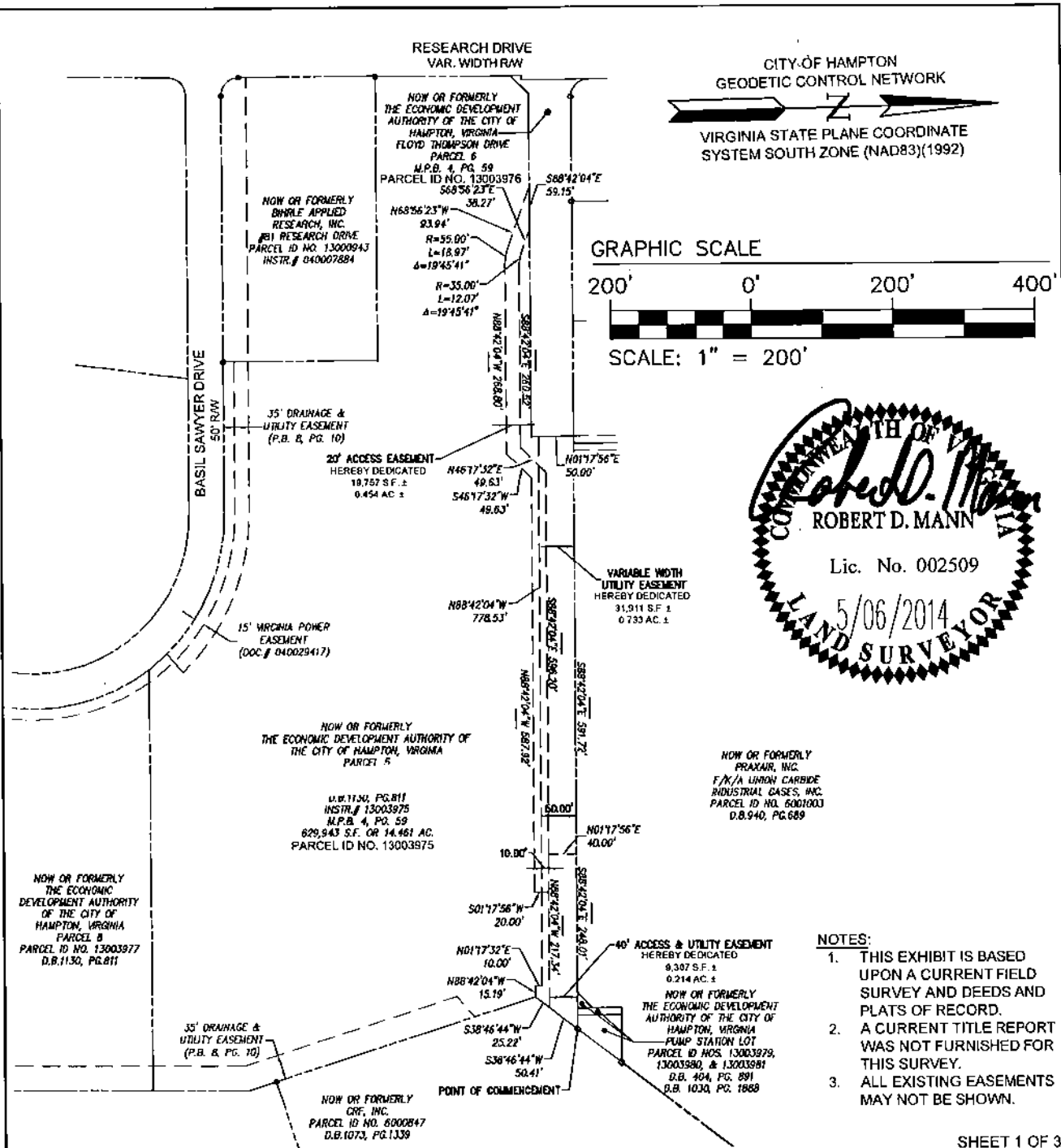


EXHIBIT 1-F  
SHOWING  
ACCESS & UTILITY  
EASEMENT DEDICATION  
PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

Project Contacts: RDM

Scale: 1"=200'

Project Number: W10074-01

Date: 5/06/14



CONSULTING ENGINEERS

1317 Executive Blvd, Suite 150  
Chesapeake, Virginia 23320  
Phone: (757) 410-7436

**WWW.BEVA.COM**

Hampton Roads | Central Virginia | Middle Peninsula

ALL EASEMENTS BEING DEDICATED HEREON ARE PUBLIC AND ARE DEDICATED TO THE CITY OF HAMPTON, VIRGINIA.

CONDITIONS FOR 20' ACCESS EASEMENT :

- USE OF THE ACCESS EASEMENT SHALL BE LIMITED TO CITY OF HAMPTON ("CITY") EMPLOYEES AND OTHER AUTHORIZED DESIGNEES OF THE CITY.
- CITY SHALL MAKE A GOOD-FAITH EFFORT TO COORDINATE ACCESS TIMES TO COINCIDE WITH LOWER-ACTIVITY PERIODS AND TO PROVIDE ADVANCED NOTICE TO THE PROPERTY OWNER FOR ALL SCHEDULED MAINTENANCE. CITY MAY ACCESS THE PUMP STATION UNANNOUNCED IN CASES OF EMERGENCY. NOTWITHSTANDING THE FOREGOING, THE CITY SHALL HAVE ACCESS TO THE PUMP STATION 24 HOURS A DAY, 7 DAYS A WEEK.
- CITY SHALL ENTER THE PROPERTY THROUGH THE SECURE TRUCK ENTRANCE GATE. ENTRANCE THROUGH THE SECURE TRUCK ENTRANCE GATE SHALL NOT BE WITHHELD.
- CITY SHALL LOCK THE GATE BEHIND THEM WHEN WORKING ON THE PUMP STATION.

METES AND BOUNDS: 20' ACCESS EASEMENT

COMMENCING AT A MONUMENT FOUND AT THE INTERSECTION OF PARCEL 5, CITY OF HAMPTON PUMP STATION LOT, AND CRF, INC.;

THENCE A BEARING OF S 38°46'44" W A DISTANCE OF 50.41 FEET TO A POINT;

THENCE A BEARING OF N 88°42'04" W A DISTANCE OF 163.12 FEET TO THE POINT OF BEGINNING;

THENCE A BEARING OF S 01°17'56" W A DISTANCE OF 20.00 FEET TO A POINT;

THENCE A BEARING OF N 88°42'04" W A DISTANCE OF 587.92 FEET TO A POINT;

THENCE A BEARING OF S 46°17'32" W A DISTANCE OF 49.63 FEET TO A POINT;

THENCE A BEARING OF N 88°42'04" W A DISTANCE OF 268.80 FEET TO A POINT;

THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 55.00 FEET, A LENGTH OF 18.97 FEET, A DELTA ANGLE OF 19°45'41", A CHORD BEARING OF N 78°49'13" W, AND A CHORD DISTANCE OF 18.88 FEET TO A POINT;

THENCE A BEARING OF N 68°56'23" W A DISTANCE OF 93.94 FEET TO A POINT;

THENCE A BEARING OF S 88°42'04" E A DISTANCE OF 59.15 FEET TO A POINT;

THENCE A BEARING OF S 68°56'23" E A DISTANCE OF 38.27 FEET TO A POINT;

THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 35.00 FEET, A LENGTH OF 12.07 FEET, A DELTA ANGLE OF 19°45'41", A CHORD BEARING OF S 78°49'13" E, AND A CHORD DISTANCE OF 12.01 FEET TO A POINT;

THENCE A BEARING OF S 88°42'04" E A DISTANCE OF 260.52 FEET TO A POINT;

THENCE A BEARING OF N 46°17'32" E A DISTANCE OF 49.63 FEET TO A POINT;

THENCE A BEARING OF S 88°42'04" E A DISTANCE OF 596.20 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.454 ACRES, 19,757 SQUARE FEET, MORE OR LESS.

SHEET 2 OF 3

EXHIBIT 1-F  
SHOWING  
**ACCESS & UTILITY  
EASEMENT DEDICATION**

PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

HAMPTON

VIRGINIA

Project Contacts: RDM

Scale: N/A

Project Number: W10074-01

Date: 5/06/14



CONSULTING ENGINEERS

1317 Executive Blvd, Suite 150  
Chesapeake, Virginia 23320  
Phone: (757) 410-7436

[www.aesva.com](http://www.aesva.com)

Hampton Roads | Central Virginia | Middle Peninsula

METES AND BOUNDS: VARIABLE WIDTH UTILITY EASEMENT

COMMENCING AT A MONUMENT FOUND AT THE INTERSECTION OF PARCEL 5, CITY OF HAMPTON PUMP STATION LOT, AND CRF, INC.;

THENCE A BEARING OF S 38°46'44" W A DISTANCE OF 50.41 FEET TO THE POINT TO BEGINNING;

THENCE A BEARING OF S 38°46'44" W A DISTANCE OF 25.22 FEET TO A POINT;

THENCE A BEARING OF N 88°42'04" W A DISTANCE OF 15.19 FEET TO A POINT;

THENCE A BEARING OF N 01°17'32" E A DISTANCE OF 10.00 FEET TO A POINT;

THENCE A BEARING OF N 88°42'04" W A DISTANCE OF 778.53 FEET TO A POINT;

THENCE A BEARING OF N 01°17'56" E A DISTANCE OF 50.00 FEET TO A POINT;

THENCE A BEARING OF S 88°42'04" E A DISTANCE OF 591.72 FEET TO A POINT;

THENCE A BEARING OF S 01°17'56" W A DISTANCE OF 40.00 FEET TO A POINT;

THENCE A BEARING OF S 88°42'04" E A DISTANCE OF 217.34 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.733 ACRES, 31,911 SQUARE FEET, MORE OR LESS.

METES AND BOUNDS: 40' ACCESS AND UTILITY EASEMENT

BEGINNING AT A MONUMENT FOUND AT THE INTERSECTION OF PARCEL 5, CITY OF HAMPTON PUMP STATION LOT, AND CRF, INC.; POINT OF COMMENCEMENT IS THE POINT OF BEGINNING;

THENCE A BEARING OF S 38°46'44" W A DISTANCE OF 50.41 FEET TO A POINT;

THENCE A BEARING OF N 88°42'04" W A DISTANCE OF 217.34 FEET TO A POINT;

THENCE A BEARING OF N 01°17'56" E A DISTANCE OF 40.00 FEET TO A POINT;

THENCE A BEARING OF S 88°42'04" E A DISTANCE OF 248.01 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.214 ACRES, 9,307 SQUARE FEET, MORE OR LESS.

SHEET 3 OF 3

EXHIBIT 1-F  
SHOWING  
**ACCESS & UTILITY  
EASEMENT DEDICATION**

PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

HAMPTON

VIRGINIA

Project Contacts: RDM

Scale: N/A

Project Number: W10074-01

Date: 5/06/14



CONSULTING ENGINEERS

1317 Executive Blvd, Suite 160  
Chesapeake, Virginia 23320  
Phone: (757) 410-7436

[www.aesva.com](http://www.aesva.com)

Hampton Roads | Central Virginia | Middle Peninsula

## Legend

- Parcels
- Boundary



Feet  
0 200 400 600 800  
Map Scale: 1:9,028

**Title: EDA Property and Basil Sawyer Drive Property**

**Date: 5/29/2014**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Hampton is not responsible for its accuracy or how current it may be.*



City of Hampton, VA

Agenda Review

File Number: 14-0257

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0257

Request Number: R-2014-00272

File Type: Ordinance - Non-Coded

Department: City Attorney

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Lendora Dale

Phone:

Requestor:

Phone:

Presenter: Leonard Sledge (to answer  
questions only), Economic  
Development Director

Phone: 728-5165

Title: Ordinance Vacating a Surplus Variable Width Utility Easement Containing 14,239± Square Feet or 0.327± Acres Located on Property Owned by the Economic Development Authority of the City of Hampton Near the Intersection of Floyd Thompson Boulevard and Research Drive and Designated as LRSN 13003975.

Action Requested: (1) Conduct a public hearing, and (2) Adopt the ordinance

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Vacation Agreement  
GIS Map

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Economic Development Authority of the City of Hampton, Virginia ("the EDA") owns a parcel of property in the City of Hampton (LRSN 13003975), which is depicted in blue on the [GIS Location Map](#) attached hereto ("the Property").

The EDA is under contract with SDC 24 Norfolk, VA, L.L.C. ("Contract Purchaser") to sell the Property so that Contract Purchaser may develop a small package sort and distribution facility.



The City of Hampton ("the City") is the owner of a variable width utility easement across the Property ("the Utility Easement") containing 14,239± Square Feet or 0.327± Acres, as shown on Exhibit 1-E, used to provide utility lines to a City pump station located at 41 Floyd Thompson Boulevard. In order to facilitate the development of the Property, Contract Purchaser has requested vacation of the Utility Easement.

City staff and local public utility companies reviewed this request and recommend approval provided that Contract Purchaser properly abandon the utility lines within the Utility Easement area to be vacated, install and dedicate to the City new utility lines in the area depicted on Exhibit 1-D, grant the city sufficient easements to cover the new utility lines as depicted on Exhibit 1-D, and if Dominion Virginia Power utility lines are identified on the Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City.

Chapter 34 of the City Code and section 15.2-2006 of the Virginia Code permit vacation of public easements by action of the City Council. The public hearing for this vacation was advertised in accordance with Virginia Code § 15.2-2006.

LEGISLATION TEXT:

**NON-CODED ORDINANCE #**

**WHEREAS**, the Economic Development Authority of the City of Hampton, Virginia ("the EDA") is the fee simple owner of a certain parcel of property located in the City of Hampton and designated as LRSN 13003975, which is depicted as "Parcel 5" on Exhibits 1-D and 1-E attached hereto ("the EDA Property");

**WHEREAS**, the City of Hampton ("the City") is the owner of a certain variable width utility easement ("the Utility Easement") shown on Exhibit 1-E and used to provide utility lines to a City pump station located at 41 Floyd Thompson Boulevard, which was reserved by the City by that certain deed recorded in the Clerk's office of the circuit court of the City of Hampton as instrument number 130011166;

**WHEREAS**, the Utility Easement contains 14,239± square feet or 0.327± acres and is located within the EDA Property;

**WHEREAS**, the EDA and SDC 24 Norfolk, VA, L.L.C ("Contract Purchaser") are parties to a contract pursuant to which the EDA and Contract Purchaser agree to the sale of the EDA Property to be used by the Contract Purchaser to develop a small package sort and distribution facility ("the Project");

**WHEREAS**, Contract Purchaser has requested vacation of the Utility Easement in order to facilitate construction of the Project;

**WHEREAS**, City staff reviewed this request and recommend approval provided that Contract Purchaser properly abandon the utility lines within the Utility Easement area to be vacated, install and dedicate to the City new utility lines in the area depicted on Exhibit 1-D, and grant the city sufficient easements to cover the new utility lines as depicted on Exhibit 1-D;

**WHEREAS**, local public utility companies reviewed this request and do not object to the vacation, provided that if Dominion Virginia Power utility lines are identified on the EDA Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City;

**WHEREAS**, Chapter 34 of the City Code and section 15.2-2006 of the Virginia Code permit vacation of public easements by action of the City Council;

**WHEREAS**, the City Council held a duly noticed public hearing concerning the proposed vacation pursuant to the requirements of Virginia Code § 15.2-2006; and

**WHEREAS**, the City Council finds that vacation of the Utility Easement as shown on **Exhibit 1-E** is in the best interest of the City and its citizens.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the vacation of the Utility Easement as depicted on **Exhibit 1-E** is hereby approved, provided that the Contract Purchaser shall, at no cost to the City: (a) properly abandon the existing sewer utilities currently located in the Existing Variable Width Utility Easement area; (b) install and dedicate to the City new sewer utilities in the area depicted on **Exhibit 1-D** as "20' Utility Easement Hereby Dedicated to the City of Hampton, Virginia 19,109 S.F. ± 0.439 AC. ±," the installation and sufficiency of which shall be subject to the approval of the Department of Public Works; (c) dedicate to the City all easements necessary for the sewer utilities as depicted on **Exhibit 1-D**; and (d) if additional utility lines are identified on the EDA Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City.
2. That the City Manager or her authorized designee is hereby authorized to execute the vacation as set forth in this ordinance.
3. That a certified copy of this vacation ordinance be recorded in the circuit court for the City of Hampton, Virginia after the aforesaid conditions are met, in accordance with the Virginia Code.



Prepared by/after recording return to:  
Bonnie N. Brown  
Assistant City Attorney  
VSB No. 83690  
Hampton City Attorney's Office  
22 Lincoln Street  
Hampton, Virginia 23669  
757-727-6157

Consideration: \$ 0.00  
LRSN: 13003975

**CONDITIONAL VACATION AGREEMENT**

**This agreement is exempt from Clerk's fees under Virginia Code § 17.1-266.**

**THIS CONDITIONAL VACATION AGREEMENT** (the "Agreement") made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and among the **CITY OF HAMPTON**, Virginia, a municipal corporation of the Commonwealth of Virginia with an address of 22 Lincoln Street, Hampton Virginia 23669, ("City" and Grantor for purposes of indexing), and **SDC 24 NORFOLK, VA, L.L.C.**, an Alabama limited liability company, ("Contract Purchaser" and "Grantee" for the purposes of indexing), and the **ECONOMIC DEVELOPMENT AUTHORITY** of the City of Hampton, Virginia, (the "EDA" and "Grantee" for purposes of indexing).

**WHEREAS**, Contract Purchaser is or will become the fee simple owner of a certain parcel of property owned by the EDA located in the City of Hampton and herein designated as LRSN 13003975, depicted as "Parcel 5" on **Exhibits 1-D and 1-E** attached (the "EDA Property");

**WHEREAS**, the City is the owner of a variable width utility easement (the "Existing Variable Width Utility Easement"), depicted on **Exhibit 1-E** attached hereto, used to provide sanitary sewer lines to a City pump station located at 41 Floyd Thompson Boulevard, which was

reserved by the City by that certain deed recorded in the Clerk's office of the circuit court of the City of Hampton as instrument number 130011166;

**WHEREAS**, the EDA and the Contract Purchaser are parties to a contract, pursuant to which the EDA and Contract Purchaser agree to the sale of the EDA Property to Contract Purchaser to be used by Contract Purchaser to build and develop a small package sort and distribution facility (the "Project");

**WHEREAS**, it is the desire of the Contract Purchaser that the Existing Variable Width Utility Easement be conditionally vacated in order to facilitate the construction of the Project; and

**WHEREAS**, the City, acting by and through its City Council, is of the opinion that the Existing Variable Width Utility Easement is not and will not be needed for the public interest, provided that the Contract Purchaser shall first, at no cost to the City: (1) properly abandon the existing sewer utilities currently located in the Existing Variable Width Utility Easement area; (2) install and dedicate to the City new sewer utilities in the area depicted on Exhibit 1-D as "20' Utility Easement Hereby Dedicated to the City of Hampton, Virginia 19,109 S.F.  $\pm$  0.439 AC.  $\pm$ ," the installation and sufficiency of which shall be subject to the approval of the Department of Public Works; (3) dedicate to the City all easements necessary for the sewer utilities as depicted on Exhibit 1-D; and (4) if additional utility lines are identified on the EDA Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City.

**NOW, THEREFORE**, in accordance with Section 15.2-2006 of the Virginia Code and Chapter 34 of the City Code of the City of Hampton, Virginia, as amended, the City of Hampton, Virginia, acting by and through its Council at its duly held meeting on the \_\_\_\_\_ day of

\_\_\_\_\_, 2014, does by these presents release, quit-claim, and vacate unto the Contract Purchaser, the following described property, to-wit:

**Existing Variable Width Utility Easement:**

All that certain lot, piece, or parcel of land, lying, being, and situate in the City of Hampton, Virginia containing 14,239± square feet or 0.327± acres, more or less, which is shown hatched and designated "CITY OF HAMPTON VARIABLE WIDTH UTILITY EASEMENT (INSTR. # 130011166) (M.P.B. 4, PG. 59) EASEMENT HEREBY EXTINGUISHED 14,239 S.F. + 0.327 AC. ±" on that certain plat entitled, "EXHIBIT 1-E SHOWING UTILITY EASEMENT VACATION PROPERTY OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF HAMPTON, VIRGINIA," dated May 6, 2014 and prepared by AES Consulting Engineers, a copy of which plat is attached hereto.

The conveyances are made subject to all easements of record.

provided; however, such release, quit-claim and vacation unto Contract Purchaser shall be conditioned, without further need for action, upon the following: the Contract Purchaser shall, at no cost to the City: (1) properly abandon the existing sewer utilities currently located in the Existing Variable Width Utility Easement area; (2) install and dedicate to the City new sewer utilities in the area depicted on Exhibit 1-D as "20' Utility Easement Hereby Dedicated to the City of Hampton, Virginia 19,109 S.F. ± 0.439 AC. ±," the installation and sufficiency of which shall be subject to the approval of the Department of Public Works; (3) dedicate to the City all easements necessary for the sewer utilities as depicted on Exhibit 1-D; and (4) if additional utility lines are identified on the EDA Property, Contract Purchaser shall relocate the utilities and dedicate all necessary easements at no cost to the City.

Furthermore, the Contract Purchaser, as evidenced by its execution hereof, does agree, for itself, successors and assigns that it will dedicate or convey all such necessary easements lying within the above described property to be vacated herein as may be required by Cox Communications Hampton Roads, LLC, Verizon Virginia, Inc., Virginia Electric and Power

Company, the City of Newport News, Virginia and Virginia Natural Gas Inc., for the location, construction, and maintenance of such utilities as may be required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the City of Hampton, Virginia, a municipal corporation, has caused its name to be signed hereto by its City Manager or designee and its corporate seal to be affixed and attested by its Clerk, Katherine Glass, they having been duly authorized to do so.

CITY OF HAMPTON, VIRGINIA

By: \_\_\_\_\_  
City Manager or designee

ATTEST:

\_\_\_\_\_  
Clerk

STATE OF VIRGINIA  
City of Hampton, to-wit:

The foregoing instrument bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the City Manager or her designee and Katherine Glass, of the City of Hampton, Virginia, who are personally known to me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Registration No.: \_\_\_\_\_

IN WITNESS WHEREOF, SDC 24 NORFOLK, VA, L.L.C., an Alabama limited liability company, authorized to do business in Virginia, has caused its name to be signed hereto by Gregory B. Saad, its Manager.

SDC 24 NORFOLK, VA, L.L.C.

By

  
Gregory B. Saad, its Manager

STATE OF ALABAMA  
COUNTY OF MOBILE:

I, Deborah G. Botter, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Gregory B. Saad, whose name is signed to the foregoing instrument as Manager of SDC Norfolk, VA, L.L.C., an Alabama limited liability company, has sworn to, subscribed, and acknowledged the same before me in the County and State aforesaid, this 28 day of MAY, 2014 on behalf of said SDC 24 NORFOLK, VA, L.L.C.. He/she ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

  
Notary Public

My commission expires: \_\_\_\_\_  
Registration No. \_\_\_\_\_



DEBORAH GREENE BOTTER  
Notary Public  
Alabama State At Large  
My Commission Expires 8-2-14

IN WITNESS WHEREOF, the Economic Development Authority of the City of Hampton,  
Virginia, has caused its name to be signed hereto by James R. Joseph, its Chair.

ECONOMIC DEVELOPMENT AUTHORITY

By: \_\_\_\_\_  
James R. Joseph, Chair

STATE OF \_\_\_\_\_  
City/County of \_\_\_\_\_, to-wit:

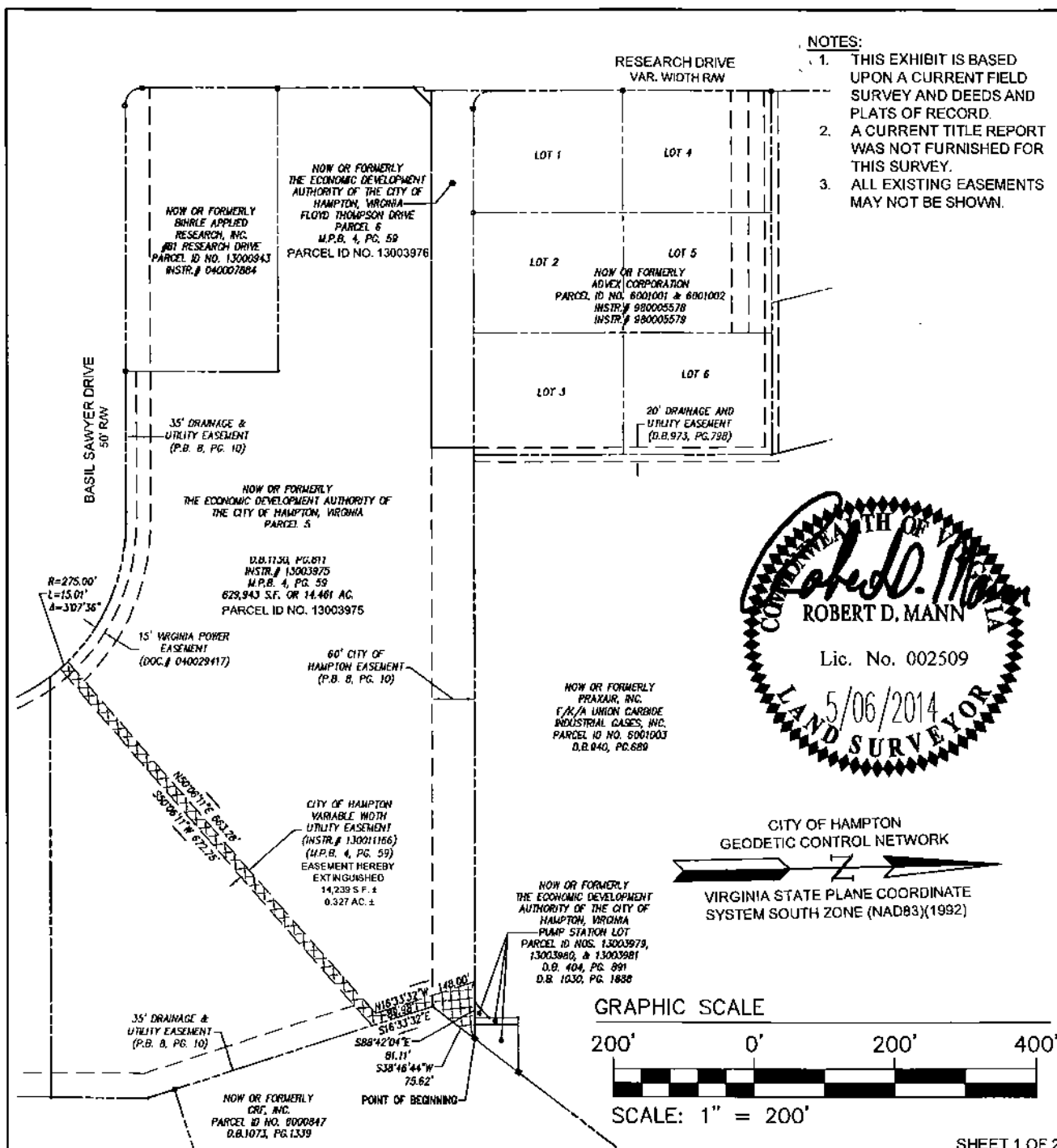
The foregoing instrument bearing date on the \_\_\_\_ day of \_\_\_\_\_, 2014, was  
acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, \_\_\_\_\_  
\_\_\_\_\_ of the Economic Development Authority of  
the City of Hampton, Virginia. He is personally known to me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_





SHEET 1 OF 2

EXHIBIT 1-E  
SHOWING  
**UTILITY EASEMENT  
VACATION**  
PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

HAMPTON

VIRGINIA

Project Contacts: RDM  
Project Number: W10074-01  
Scale: 1"=200'  
Date: 5/06/14



CONSULTING ENGINEERS

1317 Executive Blvd, Suite 150  
Chesapeake, Virginia 23320  
Phone: (757) 410-7438

www.aesva.com

Hampton Roads | Central Virginia | Middle Peninsula

# METES AND BOUNDS

BEGINNING AT A MONUMENT FOUND AT THE INTERSECTION OF PARCEL 5, CITY OF HAMPTON PUMP STATION LOT, AND CRF, INC.;

THENCE A BEARING OF S 38°46'44" W A DISTANCE OF 75.62 FEET TO A POINT;

THENCE A BEARING OF S 16°33'32" E A DISTANCE OF 89.98 FEET TO A POINT;

THENCE A BEARING OF S 50°06'11" W A DISTANCE OF 672.75 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BASIL SAWYER DRIVE;

THENCE ALONG THE NORTHERN LINE OF BASIL SAWYER DRIVE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 275.00 FEET, A LENGTH OF 15.01 FEET, A DELTA ANGLE OF 3°07'36", A CHORD BEARING OF N 41°25'09" W, AND A CHORD DISTANCE OF 15.01 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY LINE OF BASIL SAWYER DRIVE, A BEARING OF N 50°06'11" E A DISTANCE OF 663.28 FEET TO A POINT;

THENCE A BEARING OF N 16°33'32" W A DISTANCE OF 148.00 FEET TO A POINT;

THENCE A BEARING OF S 88°42'44" E A DISTANCE OF 81.11 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.327 ACRES, 14,239 SQUARE FEET, MORE OR LESS.

SHEET 2 OF 2

EXHIBIT 1-E  
SHOWING  
**UTILITY EASEMENT  
VACATION**

PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

HAMPTON

VIRGINIA

Project Contacts: RDM

Scale: N/A

Project Number: W10074-01

Date: 5/06/14

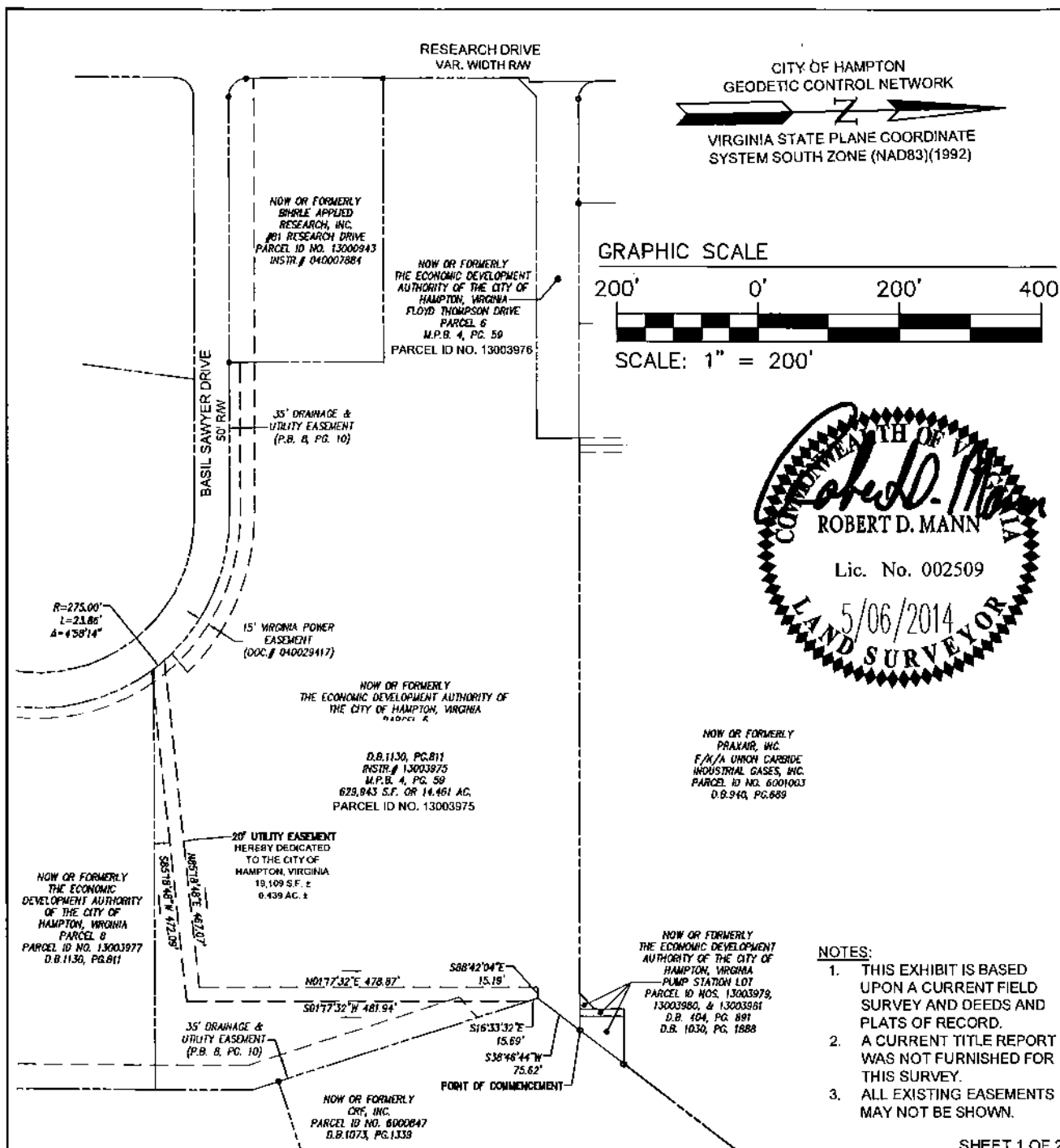


CONSULTING ENGINEERS

1317 Executive Blvd, Suite 160  
Chesapeake, Virginia 23320  
Phone: (757) 410-7438

[www.aesva.com](http://www.aesva.com)

Hampton Roads | Central Virginia | Middle Peninsula



SHEET 1 OF 2

**EXHIBIT 1-D**  
**SHOWING**  
**UTILITY EASEMENT**  
**DEDICATION**  
PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

HAMPTON

VIRGINIA

Project Contacts: RDM Scale: 1"=200'  
Project Number: W10074-01 Date: 5/06/14



1317 Executive Blvd, Suite 150  
Chesapeake, Virginia 23320  
Phone: (757) 410-7436

www.aiesva.com

Hampton Roads | Central Virginia | Middle Peninsula

# METES AND BOUNDS

COMMENCING AT A MONUMENT FOUND AT THE INTERSECTION OF PARCEL 5, CITY OF HAMPTON PUMP STATION LOT, AND CRF, INC.;

THENCE A BEARING OF S 38°46'44" W A DISTANCE OF 75.62 FEET TO THE POINT TO BEGINNING;

THENCE A BEARING OF S 16°33'32" E A DISTANCE OF 15.69 FEET TO A POINT;

THENCE A BEARING OF S 01°17'32" W A DISTANCE OF 481.94 FEET TO A POINT;

THENCE A BEARING OF S 85°18'48" W A DISTANCE OF 472.09 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BASIL SAWYER DRIVE;

THENCE ALONG THE NORTHERN LINE OF BASIL SAWYER DRIVE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 275.00 FEET, A LENGTH OF 23.86 FEET, A DELTA ANGLE OF 4°58'14", A CHORD BEARING OF N 37°41'47" W, AND A CHORD DISTANCE OF 23.85 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY LINE OF BASIL SAWYER DRIVE, A BEARING OF N 85°18'48" E A DISTANCE OF 467.07 FEET TO A POINT;

THENCE A BEARING OF N 01°17'32" E A DISTANCE OF 478.87 FEET TO A POINT;

THENCE A BEARING OF S 88°42'04" E A DISTANCE OF 15.19 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.439 ACRES, 19,109 SQUARE FEET, MORE OR LESS.

SHEET 2 OF 2

EXHIBIT 1-D  
SHOWING  
**UTILITY EASEMENT  
DEDICATION**

PROPERTY OF  
THE ECONOMIC DEVELOPMENT AUTHORITY  
OF THE CITY OF HAMPTON, VIRGINIA

HAMPTON

VIRGINIA

Project Contacts:

RDM

Scale:

N/A

Project Number:

W10074-01

Date:

5/06/14



1317 Executive Blvd, Suite 150  
Chesapeake, Virginia 23320  
Phone: (757) 410-7436

[www.aesva.com](http://www.aesva.com)

CONSULTING ENGINEERS

Hampton Roads

Central Virginia

Middle Peninsula

## Legend

- Parcels
- Boundary



**Title: LRSN 13003975**

**Date: 5/29/2014**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Hampton is not responsible for its accuracy or how current it may be.*



City of Hampton, VA

Agenda Review

File Number: 14-0255

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0255**

Request Number: **R-2014-00270**

File Type: **Resolution**

Department: **City Attorney**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Lendora Dale**

Phone:

Requestor:

Phone:

Presenter: **Leonard Sledge (to answer questions only), Economic Development Director**

Phone: **728-5165**

Title: **Resolution Authorizing Amendments to a Certain Perpetual, Non-exclusive Landscape Maintenance Easement Granted by the City Council Over Various Centerline Islands Located at Hampton Roads Center Central and South Campuses to the Hampton Roads Center Owners Association, Inc., in Order to Grant Additional Easements to Cover the Property Surrounding Four Monument Signs to Be Installed in City-Owned Right-of-Way.**

Action Requested: **(1) Conduct a public hearing, and (2) Adopt the resolution**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Landscape Easement Agreement 2012  
First Amendment to Landscape Easement Agreement

Date  
6/2/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Hampton Roads Center Owners Association, Inc. ("HRC") is an entity formed out of the Protective Provisions and Covenants ("the Covenants") established in the Hampton Roads Center Central and South Campuses to facilitate the enforcement of the Covenants and to manage all common areas belonging to the HRC.

In 2012, the City of Hampton ("City") granted HRC a perpetual, non-exclusive landscape maintenance easement for HRC to install, repair, enhance, and maintain landscaping of the centerline medians as



required by Section 8.04 of the Covenants ("the Landscape Easement"). Section 8.04 of the Covenants also requires HRC to maintain medians at the entrances to Hampton Roads Center and signs identifying Hampton Roads Center.

Accordingly, HRC has requested that the City permit it to locate four (4) monument signs on City-owned right-of-way at the entrances to Hampton Roads Center at the intersections of Magruder Boulevard and Butler Farm Road and Magruder Boulevard and Enterprise Parkway, as shown on Exhibits B, B-1, C, and C-1 attached hereto (collectively, "the Sign Area").

As an accommodation to HRC, the City has agreed to purchase the four (4) monument signs from HRC at cost, install them in the Sign Area, and grant HRC a perpetual, non-exclusive landscape easement over the Sign Area such that HRC can repair, enhance, maintain, light, and irrigate the signs and Sign Area.

City staff recommends approval of the First Amendment to Landscape Easement Agreement as drafted. Virginia Code § 15.2-1800 permits the City to grant easements over its property provided that an advertised public hearing is held. The public hearing for this easement agreement was advertised in accordance with Virginia Code § 15.2-1813.

LEGISLATION TEXT:

## RESOLUTION

**WHEREAS**, the Hampton Roads Center Owners Association, Inc. ("HRC") is an entity formed out of the Protective Provisions and Covenants ("the Covenants") established in the Hampton Roads Center Central and South Campuses, to facilitate the enforcement of the Covenants and to manage all common areas belonging to the HRC;

**WHEREAS**, in 2012 the City of Hampton ("City") granted HRC a perpetual, non-exclusive landscape maintenance easement for HRC to install, repair, enhance, and maintain landscaping of the centerline medians as required by Section 8.04 of the Covenants ("the Landscape Easement"), which is recorded in the Clerk's office for the City of Hampton, Virginia as instrument number 120001877 and re-recorded as instrument number 130016535;

**WHEREAS**, Section 8.04 of the Covenants also requires HRC to maintain medians at the entrances to Hampton Roads Center and signs identifying Hampton Roads Center;

**WHEREAS**, HRC has requested that the City permit it to locate four (4) monument signs on City-owned right-of-way at the entrances to Hampton Roads Center abutting parcels designated as LRSNs 7001866 and 13003989 at the intersection of Magruder Boulevard and Butler Farm Road, which are shown on Exhibits B and B-1 attached hereto, and parcels designated as LRSNs 13001424 and 13002522 at the intersection of Magruder Boulevard and Enterprise Parkway, which are shown on Exhibits C and C-1 attached hereto (collectively, "the Sign Area");

**WHEREAS**, as an accommodation to HRC, the City has agreed to purchase the four (4) monument signs from HRC at cost, install them in the Sign Area, and grant HRC a perpetual, non-exclusive landscape easement over the Sign Area such that HRC can repair, enhance, maintain, light, and irrigate the signs and Sign Area;

**WHEREAS**, the City Council has determined that the amendments to the Landscape Easement are in the best interest of the City and its citizens, the grant of the perpetual non-exclusive landscape maintenance easement over the Sign Area is fair and reasonable, and the terms of the First Amendment to Landscape Easement Agreement are reasonable and acceptable.



**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the amendments to the Landscape Easement are hereby approved.
2. That the City Manager or her designee is hereby authorized and directed to execute and deliver the First Amendment to Landscape Easement Agreement between the City and HRC as set forth in this resolution.

Return to:  
Prepared by:  
City Attorney's Office  
22 Lincoln Street  
Hampton, VA 23669  
(757) 727-6127  
(vty)

20001877

PG0303 FEB-92

PG0390 OCT 22 E

EXEMPTION CLAIMED: Virginia Code § 58.1-811(C)(4)  
and 17.1-266

RPC# N0s: Abutting Portions of  
7001859, 7001872, 13001424,  
13002521, 13002522, 13000305

## RE-RECORDED LANDSCAPE EASEMENT AGREEMENT

THIS LANDSCAPE EASEMENT AGREEMENT (this "Agreement") is made this 9th day of February, 2012, by and between the **CITY OF HAMPTON**, a municipal corporation of the Commonwealth of Virginia (the "City") ("Grantor" for purposes of indexing), and **HAMPTON ROADS CENTER OWNERS ASSOCIATION**, a Virginia corporation ("HRC") ("Grantee" for indexing purposes).

### RECITALS:

A. The City is the owner of certain real property consisting of public rights-of-way located in the Hampton Roads Center Central and South Campus, Hampton, Virginia as more particularly shown on the sketch attached hereto as **Exhibit A** (hereinafter the "Property")

B. HRC desires to enter the Property and use portions of the Property consisting of numerous centerline islands shown in hatch marks on **Exhibit A** for the purpose of installing, repairing, enhancing and maintaining landscaping as required by the Section 8.04 of Hampton Roads Center Protective Provisions and Covenants and joins in this Agreement to evidence its consent to be bound by the terms and conditions contained herein.

C. The City has agreed to grant to HRC a non-exclusive perpetual easement in order to permit the installation, repair, enhancement and maintenance of the landscaping within the centerline medians as required under Section 8.04 of Hampton Roads Center Protective Provisions and Covenants.

### AGREEMENT

That for and in consideration of the sum of TEN DOLLARS (\$10.00) the mutual promises and conveyances of the parties and other good and valuable consideration, the receipt and adequacy of which are acknowledged, the parties have agreed as follows:

1. Grant of Easement. Subject to the limitations contained in this Agreement, and for

the purposes set forth above and in this Agreement, the City hereby grants and conveys unto HRC with SPECIAL WARRANTY, a non-exclusive perpetual easement over those portions of the Property depicted in hatch marks as shown on that certain sketch dated January 26, 2011, titled "Landscape Maintenance Easement Granted to: Hampton Roads Center Owners Assoc. by the City of Hampton, VA. for Centerline Islands located at Hampton Roads Center Central and South Campuses", prepared by City of Hampton Dept. of Public Works- Engineering Services, a copy of which is attached hereto as **Exhibit A** and made a part hereof, and to which reference is made for a more particular description (the "Easement. ").

2. Use Provisions.

2.1 HRC, its employees, contractors and subcontractors may utilize the Easement for the purpose of ingress/egress and regress onto the centerline islands to install, repair, enhance and maintain the landscape thereon. Any unauthorized use is strictly prohibited, and HRC shall not use the Easement, nor permit the use of the Easement, in such a manner as to constitute a public nuisance. The installations of decorative structures within the Easement shall require the approval of the Director of Public Works or his designee and the City Zoning Administrator and shall not interfere with any utilities within the Easement.

2.2 HRC acknowledges and agrees that the installation, repair, enhancement and maintenance of the landscaping in the centerline islands shall be in compliance with all applicable federal, state and local laws, ordinances and regulations. Any violation of law or work zone safety requirements shall constitute a material breach of this Agreement. For purposes of this Agreement the terms "Landscape" or "Landscaping" shall include all trees, shrubs, plants, flowers, sod and mulch and the term "maintenance" shall include all pruning, weeding, seeding, removal, mowing, mulching and planting.

2.3 HRC shall limit its landscaping and maintenance activities to the Easement areas and shall perform all landscape and maintenance activities in such a manner as to avoid the obstruction of any portion of the City right-of-way for vehicular and/or pedestrian traffic. HRC is specifically prohibited from leaving grass clippings in the City streets or blowing such clippings into the storm drainage system which constitutes a violation of state and local law.

3. Maintenance/Insurance Costs. At its sole cost and expense, HRC shall maintain, insure and repair the Easement.

4. Easement is non-Exclusive/City Has No Responsibility for Repair Costs. The parties hereto agree that the City shall reserve the right to (i) grant easements for third party utility providers; (ii) reconfigure the centerline islands within the Easement; and (iii) construct, install, repair or maintain any City-owned utilities within the Easement. Moreover, the City shall in no way be responsible or liable for any maintenance, repair or reconstruction of the Easement or any portion thereof resulting from the City's reconfiguration of the centerline islands or the construction, installation, repair or maintenance of said City-owned utilities. Notwithstanding the foregoing, nothing in this Agreement shall prevent the HRC from seeking reimbursement for or landscape



restoration from third party utility providers for damage to the Easement caused by construction, installation, repair or maintenance of third party utility facilities by such providers.

5. Inspection Rights. It is agreed between the parties hereto that the City, its agents, successors, and/or assigns shall have the right to inspect the Easement with or without notice to HRC.

6. Insurance. HRC agrees to secure and maintain in full force and effect at all times Comprehensive General Liability Insurance, including contractual liability and products and completed operations liability coverages in an amount not less than One Million Dollars (\$1,000,000) combined single limits (CSL). Such insurance shall name the City as an additional insured in the endorsement box. HRC agrees to secure and maintain in full force and effect at all times, or require its contractors constructing any improvements or performing maintenance or landscaping services in the Easement areas to secure and maintain in full force and effect at all times during any service contract is in effect the following policies of insurance:

(A) Workers' Compensation Insurance as required under Title 65.2 of the Code of Virginia.

(B) Automobile Liability Insurance including coverage for non-owned and hired vehicles in an amount not less than One Million Dollars (\$1,000,000) combined single limits (CSL).

All policies of insurance required herein shall be written by insurance companies licensed to conduct the business of insurance in the Commonwealth of Virginia, and shall carry the provision that the insurance will not be canceled or materially modified without 30 days prior written notice to the City. HRC shall submit a certificate or certificates of insurance to the City's Risk Management Administrator prior to the commencement of activities within the Easement.

7. Indemnity. HRC expressly agrees to indemnify, defend and hold harmless the City, and its agents, employees, volunteers, servants and officials from and against any and all claims, loss, damage, injury and liability however caused, including, but not limited to reasonable attorney's fees and litigation costs, resulting from, arising out of, or in any way connected with activities in the Easement by HRC its contractors, subcontractors, consultants, subconsultants or by any other persons, corporations, or legal entities retained by HRC to perform any activities in the Easement. In connection with HRC's activities in the Easement, any costs associated with violations of the law including, but not limited to, remediation, clean up costs, fines, administrative, criminal or civil penalties or charges, and third party claims imposed on the City by any regulatory agency or by any third party as a result of the noncompliance with federal, state or local environmental laws and regulations or nuisance statutes by HRC or by contractors, subcontractors, consultants, subconsultants, or any other persons, corporations, or legal entities retained by HRC, shall be paid by HRC. This provision shall survive the termination of this Agreement.

8. Notice. Any and all notices required or permitted to be given under this Agreement to

HRC or the City, shall be in writing, postage and/or shipping and delivery pre-paid and shall be sent (i) by U.S. Postal Service Certified Mail with Return Receipt requested, (ii) via a national overnight (or 2<sup>nd</sup> day) courier service requiring a signature upon delivery (such as Federal Express), or (iii) hand-delivery (if receipt is evidenced by a signature of the addressee or authorized agent) to the addresses set forth below. The parties hereto shall each have the right to specify, from time to time, as its address for purposes of this Agreement, upon giving 15 days' written notice thereof to each other person then entitled to receive notices, instruments or communications hereunder.

The City: City of Hampton, Virginia  
c/o Development Director  
One Franklin Street, Suite 600  
Hampton, Virginia 23669

With copy to: City Attorney  
City of Hampton  
22 Lincoln Street  
Hampton, Virginia 23669  
Attention: Vanessa T. Valldejuli  
Sr. Deputy City Attorney

IIRC: Hampton Roads Center Owners Association  
Attn: Craig Cope, President  
c/o Read Commercial Properties, Inc.  
6 Manhattan Square  
Suite 102  
Hampton, Virginia 23666

With copy to: Conway H. Sheild, III, Esq.  
Jones, Blechman, Woltz & Kelley, P.C.  
701 Town Center Drive, Suite 800  
Newport News, Virginia 23612

## 9. Miscellaneous.

9.1 This Agreement sets forth the entire agreement and understanding between the parties with respect to the transaction contemplated hereby and supersedes all prior agreements, arrangements and understandings which led to the subject matter hereof.

9.2 All the terms, covenants, representations, warranties and conditions of this Agreement shall be binding upon, and inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns, whether or not specifically set forth in any paragraph or section of this Agreement. Failure of any party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the provisions. No



waiver by either party of any condition, or the breach of any term, covenant, representation or warranty contained in this Agreement, whether by conduct or otherwise, in any one or more instances, shall be deemed a further or continuing waiver of any condition or covenant, representation or warranty of this Agreement. The captions and paragraph headings are for convenience only and shall not be used in construing or enforcing any of the provisions of this Agreement.

9.3 Wherever used herein, the singular shall include the plural, the plural shall include the singular and the use of any gender shall include all other genders.

9.4 This Agreement shall be recorded at the Clerk's Office of the Circuit Court of the City of Hampton, Virginia.

9.5 This Agreement shall be deemed to be a Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the laws of the Commonwealth of Virginia, and all questions arising with respect thereto shall be determined in accordance with such laws. Regardless of where actually delivered and accepted, this Agreement shall be deemed to have been delivered and accepted by the parties in the Commonwealth of Virginia. The provisions of this Agreement shall be severable and if any phrase, clause, sentence or provision is declared unconstitutional, or the applicability thereof is held invalid by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby.

9.6 Any and all suits for any claims or for any and every breach or dispute arising out of this Agreement shall be maintained in the appropriate court of competent jurisdiction of in the City of Hampton, Virginia.

9.7 This Agreement shall not be amended, changed, modified, waived or discharged in whole or in part except by written agreement signed by the authorized representatives of the City and HRC.

9.8 The City may terminate this Agreement at any time with 30 days prior written notice to HRC for any violation of federal, state or local law, a violation of any of the terms of this Agreement, the maintenance of a nuisance or public safety hazard and for any municipal emergency. In the case of a municipal emergency, however, the notice provisions will not apply. In the event this Agreement is terminated due to HRC's maintenance of a nuisance or a public safety hazard, the City may abate such hazard or nuisance and recover the cost to do so from HRC, notwithstanding termination of the Agreement.

[Signatures on following pages]

WITNESS the following signatures and seals:

Attest:

THE CITY OF HAMPTON

[Signature]  
Clerk of Council

By: [Signature] (SEAL)  
City Manager/Authorized Designee

STATE OF VIRGINIA  
CITY OF HAMPTON, to-wit:

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2012, by Mary B. Bunting, City Manager/Authorized Designee of the City Manager of the City of Hampton, on its behalf. He/She is personally known to me.

[Signature]  
Notary Public

My commission expires: July 31, 2015

Registration No. 7123061



STATE OF VIRGINIA  
CITY OF HAMPTON, to-wit:

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2012, by Katherine Glass, Clerk of Council of the City of Hampton, on its behalf. She is personally known to me.

[Signature]  
Notary Public

My commission expires: July 31, 2015

Registration No. 7123061



PG0309 FEB-9 2

PG0309 OCT 22 2

Approved as to Content:

Approved as to Form & Legal  
Sufficiency:

James L Eason  
Dept. of Economic Development

Samuel T. Selby  
Sr. Deputy City Attorney

**HAMPTON ROADS CENTER OWNERS  
ASSOCIATION, a Virginia corporation**

By: Craig Lope (SEAL)  
President

STATE OF VIRGINIA  
CITY OF Hampton, to-wit:

The foregoing instrument was acknowledged before me this 9 day of  
January, 2012, by Craig Lope, President of Hampton Roads  
Center Owners Association, on its behalf. He is personally known to me or has produced  
driver's license as identification.

Emory D. Hill  
Notary Public

My commission expires: October 31, 2014

Registration No. 357288



At the Clerk's Office of the Circuit Court of the City of Hampton,  
Virginia FEB 9<sup>TH</sup> A.D. 20 12 at 1:13 P.M. The foregoing  
instrument was this day presented in office and upon certificate  
thereto annexed, admitted to record as the law directs.

Teste: Linda Batchelor Smith, Clerk  
By L. Batchelor  
Dep. Clerk

THE FOREGOING INSTRUMENT IS BEING RE-RECORDED TO ATTACH THE EXHIBIT A



Graphic Scale: 1" = 450'

450 225 0 450 Feet

INTERSTATE  
64

BUTLER FARM RD.

HAMPTON ROADS CENTER PKWY.

ENTERPRISE PKWY.

MAGRUDER BLVD.

Centerline Island Area Table

Butler Farm Rd.			Enterprise Pkwy.		
MAP NO.	SF (+/-)	ACRES (+/-)	MAP NO.	SF (+/-)	ACRES (+/-)
A	1,329	0.0305	A	612	0.0740
B	12,058	0.2768	B	634	0.0748
C	3,722	0.0854	C	11,535	0.2648
D	17,896	0.4108	D	3,662	0.0841
E	8,463	0.1943	E	6,226	0.1429
F	6,928	0.1590	F	6,233	0.1431
G	3,240	0.0745	G	10,524	0.2416
H	5,896	0.1308	H	6,521	0.1487
I	1,738	0.0399	I	1,275	0.0293
J	2,162	0.0496	J	8,762	0.2012
K	3,311	0.0760	K	23,701	0.5441
L			L	11,309	0.2596
TOTALS:	66,548	1.5277	TOTALS:	90,955	2.0890

**EXHIBIT A**

Perpetual, nonexclusive Landscape Maintenance Easement  
Granted to:

Hampton Roads Center Owners Assoc.  
by the City of Hampton, VA.  
for Centerline Islands located  
at Hampton Roads Center Central  
and South Campuses

City of Hampton Dept. of Public Works - Engineering Services  
22 Lincoln St - Hampton, VA 23669

Drawn by: TWG Date: 26 January, 2011

Scale: 1" = 450'

PG 0397A-OCT 22M

FILED

2013 OCT 22 PM 3:17

CIRCUIT COURT CLERK'S OFFICE  
CITY OF HAMPTON, VA  
LINDA B. SMITH, CLERK

BY: \_\_\_\_\_ D.C.

INSTRUMENT #130018535  
RECORDED IN THE CLERK'S OFFICE OF  
HAMPTON ON  
OCTOBER 22; 2013 AT 03:17PM

LINDA B. SMITH; CLERK  
RECORDED BY: HJB

Prepared by/Return to:  
City Attorney's Office  
22 Lincoln Street  
Hampton, VA 23669  
(757) 727-6157  
(BNB)

LRSNs: Abutting portions of:  
7001866, 13003989,  
13001424, 13002522,  
7001859, 7001872,  
13002521, 13000305

EXEMPTION CLAIMED: Virginia Code §§ 58.1-811(C)(4) and 17.1-266

**FIRST AMENDMENT TO LANDSCAPE EASEMENT AGREEMENT**

THIS FIRST AMENDMENT TO LANDSCAPE EASEMENT AGREEMENT (the "First Amendment") is made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **CITY OF HAMPTON**, a municipal corporation of the Commonwealth of Virginia (the "City") ("Grantor" for purposes of indexing), and **HAMPTON ROADS CENTER OWNERS ASSOCIATION**, a Virginia corporation ("HRC") ("Grantee" for indexing purposes).

WHEREAS, the City, as Grantor, and HRC, as Grantee, entered into a Landscape Easement Agreement ("The Landscape Easement Agreement") dated February 9, 2012, which was recorded in the circuit court for the City of Hampton, Virginia as instrument number 120001877 on February 9, 2012 and re-recorded as instrument number 130016535 on October 22, 2013, relating to certain property located in the City of Hampton and more particularly described on a certain plat attached to the Landscape Easement Agreement as **Exhibit A**; and

WHEREAS, the City and HRC have agreed to make certain revisions to the Landscape Easement Agreement to provide for the purchase, installation, lighting, irrigation, and maintenance of four (4) monument signs to be located on City-owned right-of-way;

NOW, THEREFORE, in consideration of the covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and HRC hereby agree to amend the terms of the Landscape Easement Agreement effective this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, as follows:

I. Recital D is hereby added as follows:

D. As an accommodation to HRC, the City has further agreed to purchase from HRC at cost and to install four (4) new monument signs on the City-owned right-of-way on Butler Farm Road abutting parcels designated as LRSNs 7001866 and 13003989 at the intersection of Magruder Boulevard and Butler Farm Road, which are more particularly described on **Exhibit B and B-1** and on the City-owned right-of-way abutting parcels designated as LRSNs 13001424 and 13002522 at the intersection of Magruder Boulevard and Enterprise



Parkway, which are more particularly described on **Exhibit C and C-1** (collectively, "the Sign Area"), with costs for associated landscaping, lighting, irrigation, and any necessary repairs for the monument signs to be the responsibility of HRC.

II. Paragraph 1 is hereby deleted in its entirety and replaced with the following:

1. Grant of Easement. Subject to the limitations contained herein, and for the purposes set forth above, the City hereby grants and conveys unto HRC with SPECIAL WARRANTY, a non-exclusive perpetual easement over those portions of the Property depicted in hatch marks as shown on that certain plat dated January 26, 2011, entitled "Landscape Easement to be granted to Hampton Roads Center Owners Assoc. by the City of Hampton, VA for Centerline Islands located at Hampton Roads Center Central and South Campus," prepared by Engineering Services, a copy of which is attached hereto as **Exhibit A** and made a part hereof, and to which reference is made for a more particular description, and over those portions of the Sign Area depicted as landscape easements on certain plats attached hereto as **Exhibit B, B-1, C, and C-1** (the "Easement").

III. Paragraphs 2.1 and 2.2 are hereby deleted in their entirety and replaced with the following:

2. Use Provisions.

2.1 HRC, its employees, contractors and subcontractors may utilize the Easement for the purpose of ingress/egress and regress onto the centerline islands and the Sign Area to install, repair, enhance and maintain the landscape, lighting, and irrigation thereon and to perform repairs to damaged signs as may be necessary under the provisions herein. Any unauthorized use is strictly prohibited, and HRC shall not use the Easements, nor permit the use of the Easements, in such a manner as to constitute a public nuisance. The installations of decorative structures within the Easement shall require the approval of the City Engineer and the City Zoning Administrator and shall not interfere with any utilities within the Easement.

2.2 HRC acknowledges and agrees that the installation, repair, enhancement and maintenance of the landscaping, lighting and irrigation in the centerline islands and Sign Area shall be in compliance with all applicable federal, state and local laws, ordinances and regulations. For purposes of this Agreement the terms "Landscape" or "Landscaping" shall include all trees, shrubs, plants, flowers, sod and mulch and the term "maintenance" shall include all pruning, weeding, seeding, removal, mowing, mulching and planting.

IV. Paragraph 2.4 is hereby added as follows:

2.4 The signs owned and installed by the City in the Sign Area shall remain in the same location as shown on **Exhibits B, B-1, C, and C-1** unless the City, through governmental action, requires relocation, in which case the City shall pay the cost of such relocation and grant any necessary additional easements.

V. Paragraph 4 is hereby **deleted** in its entirety and replaced with the following:

4. Easement is non-Exclusive & City Has No Responsibility for Repair Costs. The parties hereto agree that the City shall reserve the right to (i) grant easements for third party utility providers; (ii) reconfigure the centerline islands within the Easement; and (iii) construct, install, repair or maintain any City-owned utilities within the Easement. Moreover, the City shall in no way be responsible or liable for any maintenance, repair or reconstruction of the Easement or any portion thereof resulting from the City's reconfiguration of the centerline islands or the construction, installation, repair or maintenance of said City-owned utilities. Notwithstanding the foregoing, nothing in this Agreement shall prevent the HRC from seeking reimbursement for or landscape restoration from third party utility providers for damage to the Easement caused by construction, installation, repair or maintenance of third party utility facilities by such providers.

The City shall be responsible for costs to repair or replace the City's signs arising from the negligent acts or omissions of City employees that cause damage or destruction of the signs installed in the Sign Area. Otherwise the City shall not be responsible or liable for costs to repair or replace the signs, including any signs in the centerline islands, and HRC understands and agrees that it shall be responsible for repair and replacement costs.

All remaining provisions of the Landscape Easement Agreement dated February 9, 2012 shall remain in full force and effect to the extent that those provisions are consistent with above amendments.

[SIGNATURES ON FOLLOWING PAGES]

WITNESS the following signatures and seals:

Attest:

THE CITY OF HAMPTON

\_\_\_\_\_  
Clerk of Council

By: \_\_\_\_\_ (SEAL)  
City Manager/Authorized Designee

STATE OF VIRGINIA  
CITY OF HAMPTON, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, City Manager/Authorized Designee of the City Manager of the City of Hampton, on its behalf. He/She is personally known to me.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_

STATE OF VIRGINIA  
CITY OF HAMPTON, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, Clerk of Council of the City of Hampton, on its behalf. She is personally known to me.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_

Approved as to Content:

Approved as to Form:

\_\_\_\_\_  
Dept. of Economic Development

\_\_\_\_\_  
Assistant City Attorney



**HAMPTON ROADS CENTER OWNERS  
ASSOCIATION, a Virginia corporation**

By: Craig A. Cape (SEAL)  
President

STATE OF VIRGINIA  
CITY OF Hampton, to-wit:

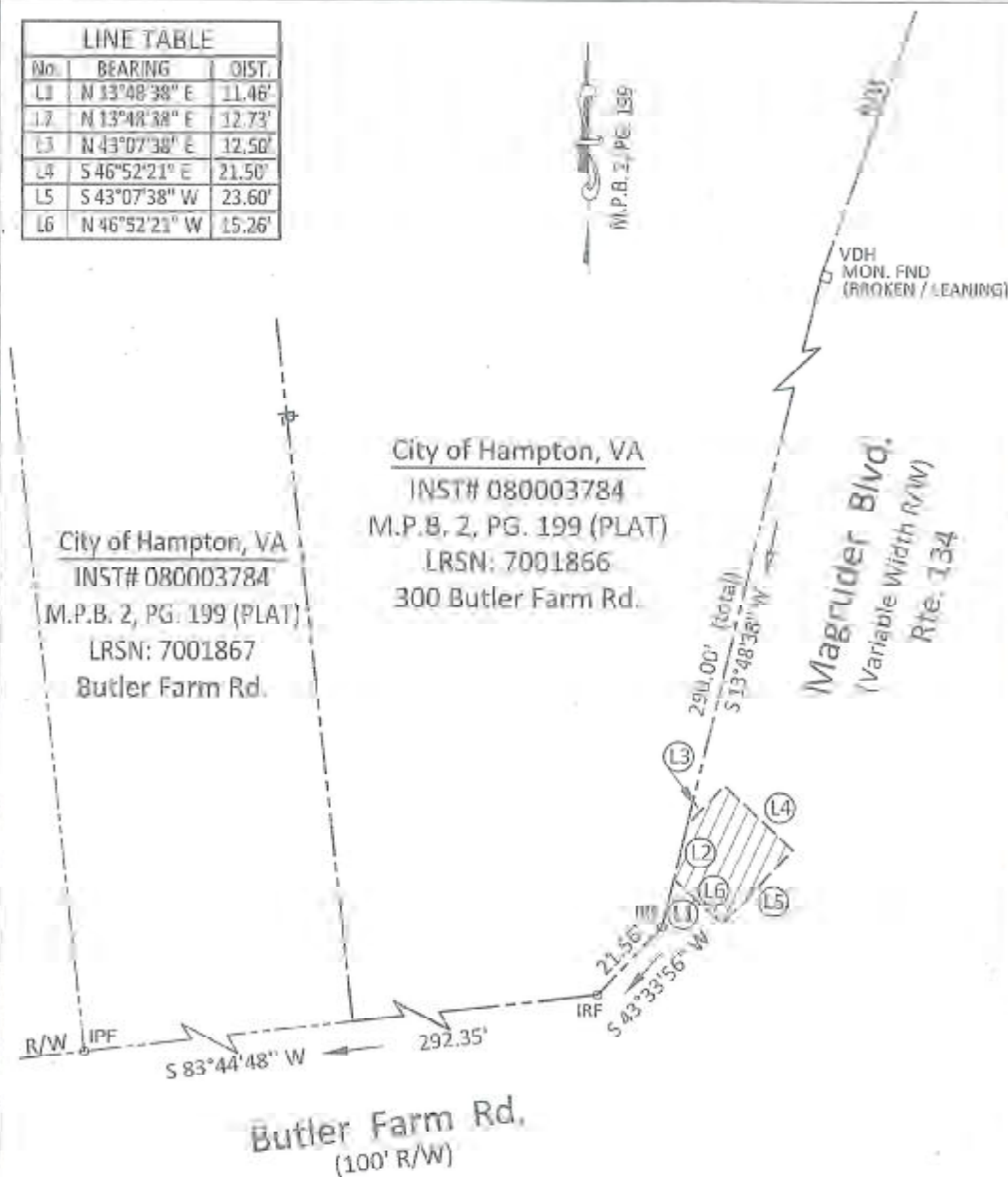
The foregoing instrument was acknowledged before me this 19 day of  
May, 2014, by \_\_\_\_\_, President of Hampton Roads  
Center Owners Association, on its behalf. He is personally known to me or has produced  
\_\_\_\_\_ as identification.

James A. Hill  
Notary Public

My commission expires: October 31, 2014  
Registration No.: 359288



LINE TABLE		
No.	BEARING	DIST.
L1	N 13°48'38" E	11.46'
L2	N 13°48'38" E	12.73'
L3	N 43°07'38" E	12.50'
L4	S 46°52'21" E	21.50'
L5	S 43°07'38" W	23.60'
L6	N 46°52'21" W	15.26'



#### NOTES

1. THE LAND BOUNDARY SURVEY SHOWN HEREON IS BASED UPON A CURRENT FIELD SURVEY.
2. A CURRENT TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
3. ALL EXISTING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.
4. PROPERTY IS SUBJECT TO RIGHTS OF WAY, EASEMENTS, COVENANTS AND ALL MATTERS OF PUBLIC RECORD.



Denotes Landscape Easement

Area of Landscape Easement: 473 sf +/-

Plat Showing Landscape Easement  
Located at 300 Butler Farm Rd., Hampton VA  
Conveyed From City of Hampton, VA  
to: Hampton Roads Center Owners Association



WALTER B. CROCKETT, L.S.  
CITY SURVEYOR  
CITY OF HAMPTON - P.W. ENGINEERING  
22 LINCOLN ST., HAMPTON, VA 23669

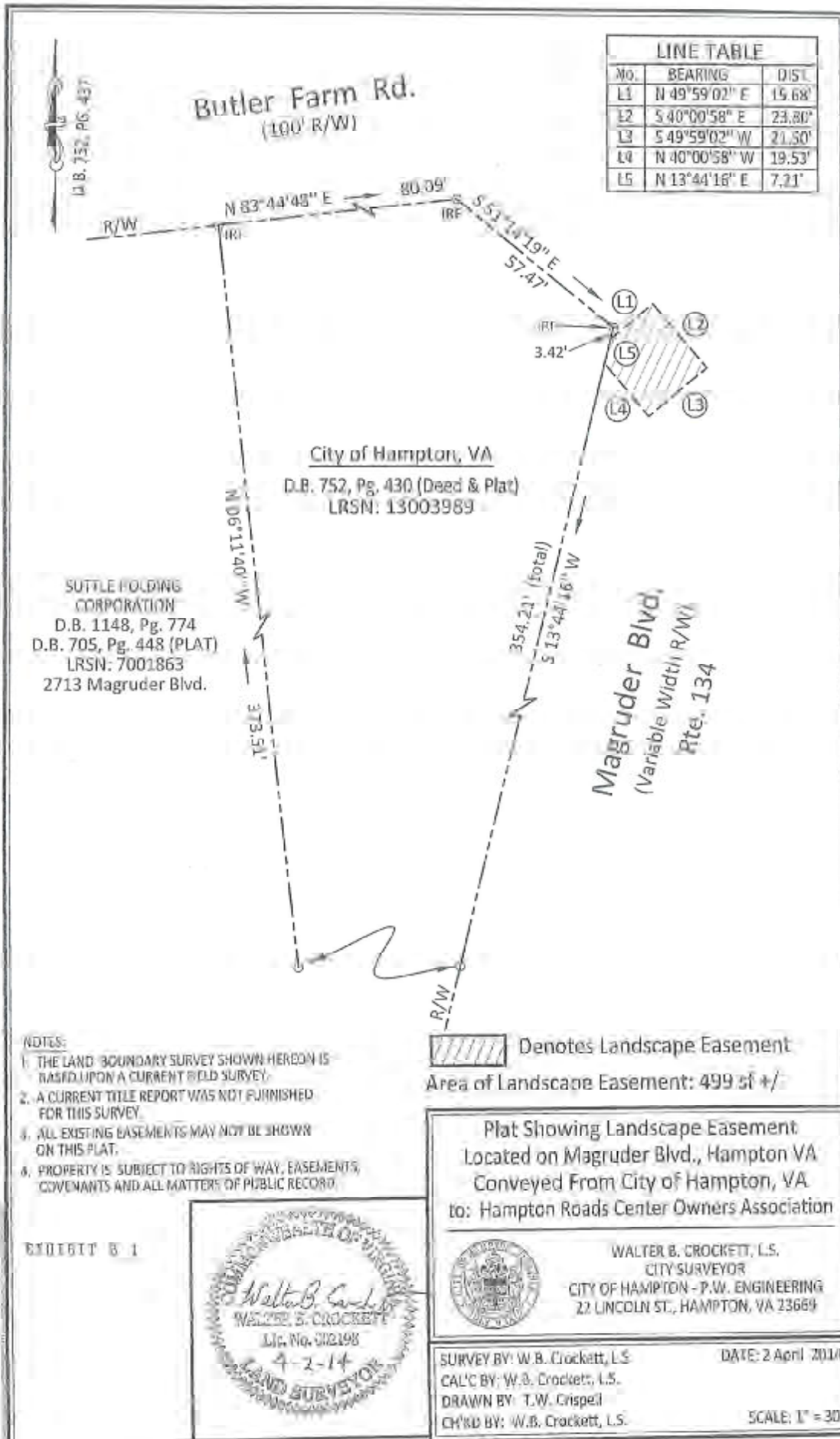
EXHIBIT 6



SURVEY BY: W.B. Crockett, L.S.  
CAL'C BY: W.B. Crockett, L.S.  
DRAWN BY: T.W. Crispell  
CHK'D BY: W.B. Crockett, L.S.

DATE: 7 April 2014

SCALE: 1" = 30'

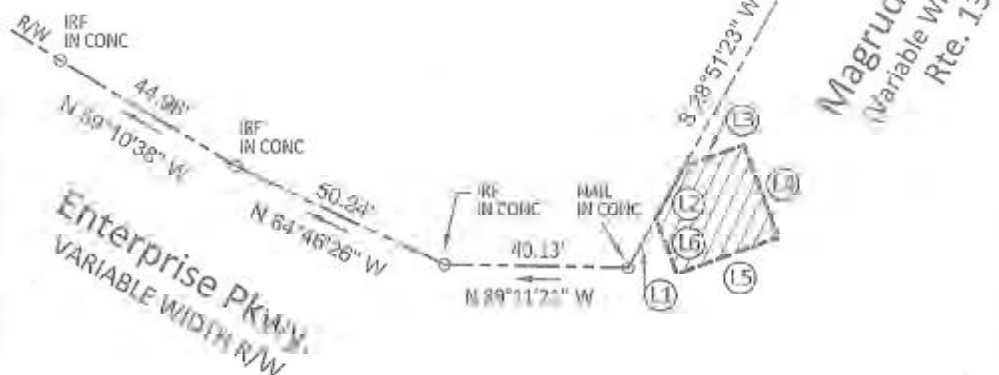


LINE TABLE		
No.	BEARING	DIST.
L1	N 28°51'23" E	12.41'
L2	N 28°51'23" E	12.88'
L3	N 69°46'01" E	13.77'
L4	S 20°13'59" E	23.50'
L5	S 69°46'01" W	23.50'
L6	N 20°13'59" W	13.06'

M.P.B. 2, PG. 179

HAMPTON RIVERSIDE  
MEDICAL COMPLEX, LLC  
INST. # 070025506  
INST. # 050032867 (PLAT)  
LRSN: 13000282  
850 ENTERPRISE PKWY.

HAMPTON ROADS CENTER  
OWNERS ASSOCIATION  
INST# 090011730  
M.P.B. 2, PG. 179 (PLAT)  
LRSN: 13001424  
ENTERPRISE PKWY.



#### NOTES:

1. THE LAND BOUNDARY SURVEY SHOWN HEREON IS BASED UPON A CURRENT FIELD SURVEY.
2. A CURRENT TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
3. ALL EXISTING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.
4. PROPERTY IS SUBJECT TO RIGHTS OF WAY, EASEMENTS, COVENANTS AND ALL MATTERS OF PUBLIC RECORD.

Denotes Landscape Easement  
Area of Landscape Easement: 464 sf +/-

Plat Showing Landscape Easement  
Located on Magruder Blvd., Hampton VA  
Conveyed From City of Hampton, VA  
to: Hampton Roads Center Owners Association



WALTER B. CROCKETT, L.S.  
CITY SURVEYOR  
CITY OF HAMPTON - P.W. ENGINEERING  
22 LINCOLN ST., HAMPTON, VA 23669

EXHIBIT D



SURVEY BY: W.B. Crockett, L.S.  
CAL'C BY: W.B. Crockett, L.S.  
DRAWN BY: J.W. Crispell  
CHK'D BY: W.B. Crockett, L.S.

DATE: 7 April 2014

SCALE: 1" = 30'



LINE TABLE		
No.	BEARING	DIST.
L1	N 79°38'06" E	14.98'
L2	S 10°21'55" E	23.60'
L3	S 79°38'05" W	21.50'
L4	N 10°21'55" W	21.13'
L5	N 58°53'03" E	6.97'

M.P.B. 2, PG. 179

**HAMPTON ROADS CENTER  
OWNERS ASSOCIATION**  
INST# 090011730  
M.P.B. 2, PG. 179 (PLAT)  
LRSN: 13002522  
ENTERPRISE PKWY


**LIBERTY PROPERTY  
LIMITED PARTNERSHIP**  
D.B. 1224, PG. 716  
LRSN: 7001879  
D.B. 805, PG. 327 (PLAT)  
ENTERPRISE PKWY

**NOTES**

1. THE LAND BOUNDARY SURVEY SHOWN HEREON IS BASED UPON A CURRENT FIELD SURVEY.
2. A CURRENT TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
3. ALL EXISTING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.
4. PROPERTY IS SUBJECT TO RIGHTS OF WAY, EASEMENTS, COVENANTS AND ALL MATTERS OF PUBLIC RECORD.

EXHIBIT C-1



 Denotes Landscape Easement  
Area of Landscape Easement: 499 sf +/-

**Plat Showing Landscape Easement  
Located on Magruder Blvd., Hampton VA  
Conveyed From City of Hampton, VA  
to: Hampton Roads Center Owners Association**



WALTER B. CROCKETT, L.S.  
CITY SURVEYOR  
CITY OF HAMPTON - P.W. ENGINEERING  
22 LINCOLN ST., HAMPTON, VA 23669

SURVEY BY: W.B. Crockett, L.S.  
CAL'C BY: W.B. Crockett, L.S.  
DRAWN BY: T.W. Crispell  
CHKD BY: W.B. Crockett, L.S.

DATE: 7 April 2014

SCALE: 1" = 30'





City of Hampton, VA

Agenda Review

File Number: 14-0266

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0266

Request Number: R-2014-00285

File Type: Resolution

Department: City Attorney

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective: 6/11/2014

Status: Received By Clerk's Office

Created By: Christina Campana

Phone:

Requestor: Veronica E. Meade

Phone: 757-727-6120

Presenter: Lynn Allsbrook, Deputy Director of  
Public Works will present this  
Resolution. He and Real Estate  
Manager Ayanna Williams will be  
present to address questions.,  
Deputy Director of Public  
Works/City Engineer

Phone: 757-726-2930

Title: Resolution to Authorize the Acquisition, by Negotiation or Condemnation, Pursuant to Section 25.1-100, Et Seq. of the Code of Virginia of 1950, As Amended, of an Easement From Parcel No. 040, Further Identified as 160 Saunders Road (LRSN 5001130) for the Saunders Road Widening Project

Action Requested: Approve Resolution

Estimated Time: Ten Minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Aerial Photo

Date  
6/3/2014

Acting Body

Action  
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

On May 14, 2014, Council approved the acquisition, by negotiation or condemnation, of partial fee takes and easements, pursuant to § 25.1-100, *et seq.* of the Code of Virginia of 1950, as amended, from 39 properties for the Saunders Road Widening Project. Omitted from that list was Parcel No. 040, then owned by the U.S. Department of Housing and Urban Development, over which the City has no condemnation authority. The following parcel now is owned privately. Therefore, it is being added to the

list of those slated for condemnation, which includes an easement acquisition affecting only a minor portion of the entire parcel.

- Parcel 040
- Owner: Derold W. McClammy, Jr.
- Property Description: 160 Saunders Road (5001130)

LEGISLATION TEXT:

## RESOLUTION

**WHEREAS**, on May 14, 2014, Council approved the acquisition, by negotiation or condemnation, of partial fee takes and easements, pursuant to § 25.1-100, *et seq.* of the Code of Virginia of 1950, as amended, from 39 properties for the Saunders Road Widening Project (the “Project”);

**WHEREAS**, omitted from that list was Parcel No. 040, then owned by the U.S. Department of Housing and Urban Development, over which the City has no condemnation authority;

**WHEREAS**, Parcel No. 040 now is owned privately and, as further described, is being added to the list of those slated for condemnation, which includes an easement acquisition affecting only a minor portion of the entire parcel:

- Parcel 040
- Owner: Derold W. McClammy, Jr.
- Property Description: 160 Saunders Road (5001130); and

**WHEREAS**, Council has determined this easement acquisition is necessary to implement the Saunders Road Widening Project; and it is in the best interest of the City that a portion of Parcel No. 040 identified herein be acquired, by negotiation or condemnation, for the successful implementation of the Project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the Resolution seeking acquisition, by negotiation or condemnation, pursuant to the authority set forth in Sections 25.1-100, *et seq.* of the Code of Virginia of 1950, as amended, for an easement acquisition from Parcel No. 040 for implementation of the Saunders Road Widening Project is approved;
2. That the City Attorney is authorized to institute proceedings to condemn a portion of Parcel No. 040; and
3. That a certified copy of this Resolution and aerial photograph shall be recorded in the Office of the Clerk of the Circuit Court for the City of Hampton in the manner as deeds are recorded and indexed in the name of the City of Hampton.



## Legend

- Parcels
- Boundary



Feet  
0 20 40 60 80  
Map Scale: 1:1,128

**Title:**

**Date: 6/3/2014**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Hampton is not responsible for its accuracy or how current it may be.*



## City of Hampton, VA

### Agenda Review

File Number: 14-0240

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0240

Request Number: R-2014-00252

File Type: Appointment

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: N/A

Phone:

Title: to consider appointments to the Grievance Board

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 10 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date

Acting Body

Action

6/2/2014

Received By Clerk's Office

#### BRIEF BACKGROUND STATEMENT:

Renee Brooks' first term expires on June 30, 2014. She is eligible for reappointment to a second four year term which will expire on June 30, 2018.

Lesa Clark's second term expires on June 30, 2014. She is ineligible for reappointment.

Additionally, Teresa Schmidt is serving on the Grievance Board in a term to expire on June 30, 2016. She has been elected to the Hampton City Council so a replacement needs to be named to fill the unexpired portion of her term.

Council may wish to fill these vacancies with someone from the list of alternates: George E. Gaynor; Ralph A. Heath, III; Kim Humphrey; Pat Minetti; Vickie R. Williams; William H. Benson, Jr.; and Brian T. Kelly.

Ms. Williams has recently communicated with the Clerk of Council indicating her willingness to serve as a

regular Grievance Board member. There are also individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.

Finally, Bob Killen has resigned as an alternate and also resides in Williamsburg so Council should address this vacancy by the appointment of another alternate.



City of Hampton, VA

Agenda Review

File Number: 14-0241

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0241

Request Number: R-2014-00253

File Type: Appointment

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter:

Phone:

Title: to consider appointments to the 1619 Commission

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

On March 12, 2014, Council appointed seventeen (17) individuals to the newly-created 1619 Commission. Subsequently, Ashley Ide, an assistant principal at Barron Elementary, has indicated she is unable to serve. Council may wish to consider appointing another individual in her place.

Additionally, several members of Council have indicated a desire to appoint two young adults to this commission and may wish to do so at this time.

All appointments to this commission expire at the time of its conclusion on December 31, 2019.





**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0243**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0243**

Request Number: **R-2014-00257**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Joy Mautz**

Phone:

Requestor: **Joy Mautz**

Phone: **757-727-6891**

Presenter:

Phone:

Title: **to consider appointment to the Athletic Hall of Fame of the Lower Virginia Peninsula**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **10 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

Lynn Burke, Pat Minetti and Andy Greenwell have all completed their first term on the Athletic Hall of Fame. Lynn Burke and Pat Minetti are eligible for reappointment for another term. Andy Greenwell has indicated that he does not wish to be reappointed and Council is being asked to appoint a replacement to fill this vacancy.

There are individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.





## City of Hampton, VA

### Agenda Review

File Number: 14-0244

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0244

Request Number: R-2014-00258

File Type: Appointment

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Joy Mautz

Phone:

Requestor: Joy Mautz

Phone: 757-727-6891

Presenter:

Phone:

Title: to consider appointment to the Hampton Clean City Commission

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 10 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Applications

Date

Acting Body

Action

6/2/2014

Received By Clerk's Office

#### BRIEF BACKGROUND STATEMENT:

John Moyer is not accepting reappointment due to health issues. Shenelle Jones, Alan Rogers, and Theresa Sellers have resigned from the board. There are individuals on file with the Board Bank and the Commission has recommended any of the following five individuals for the four vacancies:

Kinesha Allen - participated in cleanups and the Schools Appearance Index

Clovis Calloway - has participated in Clean the Base and the Adopt-A-Spot program

Christopher Conyers - participated in the Adopt-A-Spot program during college

Wendy Iles - CEO of Hampton Grows, Inc., a community gardening group located in Hampton, and is active in a variety of Commission activities

Luretta Ray - participated in the School Pride In Action Program and the Adopt-A-Spot program for many years

All five have indicated willingness and enthusiasm to serve, and all five have committed to active participation on the Hampton Clean City Commission.

One vacancy expires on June 30, 2014; Two vacancies expire on January 31, 2016; and one vacancy expires on February 28, 2018.



City of Hampton, VA

Agenda Review

File Number: 14-0261

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 14-0261

Request Number: R-2014-00277

File Type: Appointment

Department: Clerk of Council

Introduced: 6/11/2014

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Joy Mautz

Phone:

Requestor: Joy Mautz

Phone: 757-727-6891

Presenter: N/A

Phone:

Title: to consider an appointment to the Board of Review of Real Estate Assessments

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 10 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Applications

Date	Acting Body	Action
6/2/2014		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Kim Borum has completed her second term due to expire on June 30, 2014 and is ineligible for reappointment. Council is being asked to appoint a replacement to serve a four year term to expire June 30, 2018.

There are individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.

Given the specialized work of the Board and the financial implications of changes in assessments I hope that special consideration will be given by Council to a current applicant James Hunsecker, SRA. Mr. Hunsecker has been a state-licensed appraiser since 1991 and has his SRA professional designation from the Appraisal Institute. Mr. Hunsecker specializes in appraising residential properties and he would be an excellent replacement for Ms. Borum, who was a residential real estate agent.





**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0273**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **14-0273**

Request Number: **R-2014-00300**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-63315**

Presenter: **Mary Bunting, City Manager**

Phone:

Title: **to consider an appointment to the Hampton Roads Regional Jail Authority**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
6/6/2014		Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

Assistant City Manager James Gray is serving as the City Manager's alternate on the Hampton Roads Regional Jail Authority. He will soon retire from the City of Hampton and the City Manager wishes to ask Council to appoint another alternate.

Additionally, Councilwoman Chris Snead is currently serving on the Hampton Roads Regional Jail Authority until June 30, 2014, with Councilman Donnie Tuck as her alternate. Typically Council discusses the appointments of Council members in July of election years, however, Council may wish to consider this one at this time.







**City of Hampton, VA**

**Agenda Review**

**File Number: 14-0274**

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **14-0274**

Request Number: **R-2014-00291**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **6/11/2014**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Joy Mautz**

Phone:

Requestor: **Joy Mautz**

Phone: **757-727-6891**

Presenter: **N/A**

Phone:

Title: **to consider an appointment to the Hampton Redevelopment and Housing Authority (HRHA)**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **10 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
6/6/2014		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

Eleanor Brown's second term expires on June 30, 2014. She is ineligible for reappointment. Council is being asked to appoint a replacement to a four year term to expire June 30, 2018.

There are individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.